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Wednesday
January 20, 1982

Highlights

CONTINUED INSIDE

Highlights

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Presidential Documents

Title 3—

The President

Proclamation 4890 of January 18, 1982

National Jaycee Week, 1982

By the President of the United States of America

A Proclamation

More than sixty years ago, the Jaycee idea began in St. Louis, Missouri. Today there are more than three hundred thousand members in 8,318 chapters across the country.

Over the years, the Jaycees have worked to meet the vital needs of our ever-changing and increasingly complex society. Motivated by their creed, "Service to humanity is the best work of life," hundreds of thousands of Jaycees have reached out to their fellow citizens in need and, in the process, have enriched their own lives.

In recognition of the accomplishments of this unique organization, the Congress of the United States has, by Senate Joint Resolution 117 (P.L. 97-144), authorized and requested the President to issue a proclamation designating the week of January 17, 1982, through January 23, 1982, as "National Jaycee Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning January 17, 1982, as National Jaycee Week, and I call upon the people of the United States to observe that period with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord nineteen hundred and eighty-two and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-1464
Filed 1-18-82; 2:56 pm]
Billing code 3195-01-M

Rules and Regulations

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Wednesday, January 20, 1982

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0383; Regulation Q]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q penalty normally imposed upon the withdrawal of funds from time deposits prior to maturity.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, mud slides, high tides, and flooding in the California counties of Contra Costa, Marin, San Mateo, Santa Cruz, and Sonoma.

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711).

SUPPLEMENTARY INFORMATION: On January 7, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the California counties of Contra Costa, Marin, San Mateo, Santa Cruz, and Sonoma, major disaster areas. The Board regards the President's actions as recognition by the Federal government that a disaster of major proportions has occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of severe storms, mud slides, high tides, and flooding beginning on or about December 19, 1981. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to January 7, 1982 for the designated counties and will remain in effect until 12 midnight July 7, 1982.

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), the Board has determined it to be in the public interest to suspend the penalty provision in § 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses within the designated counties of California, which have been officially designated major disaster areas by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster areas.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties of California directly affected by the severe storms, mud slides, high tides, and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a)(13)), January 8, 1982.

William W. Wiles,
Secretary of the Board.

PART 217—INTEREST ON DEPOSITS

§ 217.4 [Amended]

The application of § 217.4(d) is temporarily suspended for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, mud slides, high tides, and flooding in the California counties of Contra Costa, Marin, San Mateo, Santa Cruz, and Sonoma.

[FR Doc. 82-1270 Filed 1-19-82; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563c

[No. 82-12]

Amortization of Certain Discounts and Matching Losses

January 8, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending its regulations to clarify that an institution that has elected to defer gains and losses pursuant to 12 CFR 563c.14 and that purchases or otherwise acquires a long-term, deep-discount mortgage loan, mortgage-related security or qualifying debt security within six months prior or subsequent to the sale at a loss of a mortgage loan or qualifying security, must amortize the discount using the same amortization method and period used to amortize the matching loss resulting from the sale. The amendments make clear that the authority to defer and amortize gains and losses may not be used as an accounting mechanism to artificially inflate an institution's earnings.

DATES: Effective date: September 30, 1981. Comments on these amendments will be accepted for sixty days, through March 5, 1982.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank

Board, 1700 G Street, NW, Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Michael S. Joseph, Office of Examinations and Supervision (202-377-6994), or David J. Bristol (202-377-6461) or Kenneth F. Hall (202-377-6466), Office of General Counsel, Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: On September 30, 1981, the Board adopted regulations permitting institutions, for purposes of reporting to the Board, to defer and amortize gains and losses resulting from the sale of mortgage loans, mortgage-related securities, and debt securities that do not qualify as liquid assets (FHLBB Res. No. 81-581; 46 FR 50048 (1981) (to be codified in 12 CFR 563c.14)). Such gains and losses are to be amortized over a period not in excess of the remaining term to maturity of the disposed assets, using the level-yield or straight-line methods of amortization. The regulations apply to institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC").

Accounting Distortions

Section 563.23-1 (12 CFR 563.23-1, as amended effective December 31, 1981) of the Board's regulations requires that discounts arising from the purchase of a mortgage loan be amortized over a period not shorter than the remaining term to maturity of the loan or ten years, whichever is less. An institution may use the straight-line, level-yield, or sum-of-years-digits methods of amortization. Amortization of such discounts is required because they are considered to be adjustments to the interest rate of the purchased loan. Similar accounting generally has been prescribed for purchases of mortgage-related securities. This accounting treatment is not significantly different from that prescribed by generally accepted accounting principles (GAAP).

Distortions of reported operating results can occur, however, when the proceeds of asset dispositions are used to purchase assets that have par values and maturities similar to those disposed of but that are significantly discounted from their stated par values when the institution purchases them. Amortizing discounts from such a purchase to income over a shorter period or by a more accelerated method than the related deferred losses are amortized to expense can result in a significant increase in reported earnings during the early years following disposition and reinvestment.

The Board authorized the deferral and amortization of gains and losses because of its view that deferral accounting accurately reflects the actual financial impact on an institution of the sale of mortgages and securities and the subsequent use of the sale proceeds. Deferral accounting recognizes the benefits an asset disposition and reinvestment program can have on the long-term profitability and the resulting increase in intrinsic value of an institution. These benefits result from a better matching of the rate and maturity structures of an institution's assets and liabilities. They also result from short-term improvements to profitability from the reinvestment of federal income tax benefits and from arbitrage profits (the reinvestment of sale proceeds at rates higher than those provided the purchaser of the disposed assets).

As the preamble to the regulation authorizing deferral accounting reflects, the Board did not envision the creation of extensive short-term profits for an institution solely as a result of mismatching the amortization methods and periods applied to deferred losses and purchase discounts. Rather, the Board envisioned the application of deferral accounting for dispositions of assets that would result in a change of economic substance in an institution's asset and liability structure (*see* 46 FR 50048-49 (1981)). The regulation was meant to provide institution management with the accounting flexibility necessary to sell low-yielding mortgage loans and qualifying securities and to "use the proceeds so as to increase future profitability and reduce future interest-rate risk" (46 FR 50049 (1981)).

The amendment adopted today clarifies that institutions should use the same amortization method and period for discounts resulting from the purchase of long-term, deep-discount mortgage loans, mortgage-related securities (as defined in 12 CFR 563.17-4(a)(4)), or qualifying debt securities as are used to amortize matching losses from sales of mortgage loans or qualifying securities occurring within six months of the purchase. This requirement will continue to permit the current recognition of income that has resulted from reinvestment of income tax benefits as well as any arbitrage profits realized, but will eliminate the recognition of income that is not a result of an improvement in the underlying economic value of the institution.

The amendment reflects the assumption that all discounts resulting from the purchase of long-term, deep-discount loans or securities within six months of dispositions from which losses are deferred can be matched with those losses, since it would be impractical to trace the actual use of sale proceeds. Thus, it makes no difference whether the sale proceeds actually were used to make the purchase. Accordingly, the statement defines the term "matching loss" as the amount that has the same proportional relationship to the total amount of loss deferred during the period as the amount paid for long-term, deep-discount loans or securities bears to the total proceeds of dispositions that gave rise to the deferred losses.

The Board notes that the amortization period for discounts provided by § 563.23-1 is a minimum amortization period and that, under § 563c.14, "remaining-term-to-maturity" is a maximum amortization period for deferred losses. Thus, the deferral accounting regulation, even as amended today, continues to provide institutions with considerable flexibility in matching amortization periods for both discounts and losses within these broad regulatory guidelines.

Clarification of Section 563c.14

The amendments also clarify paragraph (b)(3)(ii) of § 563c.14, which prescribes the maximum period over which gains and losses may be amortized. Since it prescribes only a *maximum* period, this subparagraph could be interpreted to permit institutions to amortize gains realized in a particular year over a much shorter period than it amortizes losses incurred in that year.

Section 563c.14 was not intended to authorize use of disparate amortization periods. Such accounting would cause the same distortions to earnings as the use of different amortization methods and periods for discounts from purchases of long-term, deep-discount loans or securities. Therefore, the amendment adopted today makes clear that amortization periods for gains shall be established in the same manner as are amortization periods for losses deferred in the same fiscal year.

Effective Date

The Board finds that notice and public procedure with respect to the amendments pursuant to 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary because (1) immediate adoption will prevent future abuse of the § 563c.14 accounting authority and will require institutions to correct past abuses that have resulted in mis-statements of their earnings, and (2) it is in the public interest to adopt the amendments without delay since they clarify the

Board's intended application of 12 CFR 563c.14. The Board also finds that the 30-day delay of the effective date following publication as prescribed in 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary for the same reasons, and that it is necessary to make these amendments effective September 30, 1981, which is the date FHLBB Res. No. 81-581 became effective.

However, the Board invites the public to submit comments on these amendments through March 5, 1982. The Board will review all comments received by the end of the comment period and will determine, at that time, whether further action by the Board is appropriate.

Accordingly, the Board hereby amends Part 563c, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, to read as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563c—ACCOUNTING REQUIREMENTS

Amend § 563c.14 by revising the title of the section and paragraph (b)(3)(ii), redesignating existing paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and adding a new paragraph (c), to read as follows:

§ 563c.14 Accounting for gains and losses on the sale or other disposition of mortgage loans, mortgage-related securities and certain debt securities; matching the amortization of discounts and losses.

* * * * *

(b) *Amortization.* * * *

(3) Account for such gains and losses as follows:

* * * * *

(ii) Such gains or losses shall be amortized by the straight-line method, as described in § 563.23-1(g)(10)(i) of this Subchapter, or by the level-yield method, as described in § 563.23-1(g)(10)(iii), over a period not to exceed the average of the remaining terms to maturity of the disposed mortgage loans or debt securities, with the yield calculated to reflect the length of the amortization period. Amortization periods for gains shall be established in the same manner as are amortization periods for losses deferred in the same fiscal year.

(c) *Matching the amortization of discounts and losses.*

(1) For purposes of this paragraph (c) only:

(i) The term "long-term, deep-discount security" means any mortgage loan, mortgage-related security (as defined in § 563.17-4(A)(4)) or debt security if the loan or security has a remaining term to maturity, at the time of purchase, of ten years or more, and is purchased at a price of less than 90% of its stated (par) value or principal balance.

(ii) The term "matching loss" is an amount determined by multiplying (*a*) the net amount of loss deferred in accordance with an election made pursuant to paragraph (a) of this section during a period beginning six months prior to the purchase of a long-term, deep-discount security, and ending six months after the date of such purchase, by (*b*) a fraction (not to exceed one), the numerator of which is the total of amounts paid or other consideration given for long-term, deep-discount securities during the twelve-month period described in paragraph (a) of this section, and the denominator of which is the total proceeds (in cash or any other consideration) from dispositions during the same period for which the election under paragraph (a) of this section is in effect.

(2) When long-term, deep-discount securities are purchased or otherwise acquired within six months preceding or subsequent to the disposition of a mortgage loan, mortgage-related security or debt security with respect to which an election to defer and amortize any loss or gain has been made pursuant to paragraph (a) of this section, the resulting discount shall be amortized, in accordance with § 563.23-1, over the same period and by the same method used to amortize any matching loss. However, if the average of the remaining terms to maturity of the security purchased is shorter than the period over which the matching loss is being amortized, then the average of the remaining terms to maturity of the securities purchased may be used as the amortization period.

(3) An institution may meet the requirement of paragraph (c)(2) of this section by changing the amortization method and period previously assigned to the matching loss to coincide with the amortization method and period the institution desires to establish for the discount. When making such a change, the amount of the matching loss shall be that portion of the loss that remains to be amortized as of the date of the change.

(d) For purposes of this section, * * *

(e) The accounting treatment authorized by this section * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-1389 Filed 1-19-82; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Statement of General Policy Concerning Termination of a Pilot Program To Permit Licensees to Specialize in Financing of Movie Production and Distribution

AGENCY: Small Business Administration.

ACTION: Statement of general policy.

SUMMARY: SBA has decided to terminate a Pilot Program to permit small business investment companies (SBICs) to specialize in financing movie production and distribution, effective immediately.

EFFECTIVE DATE: January 20, 1982.

FOR FURTHER INFORMATION CONTACT: Lawrence F. Friess, Director, Office of SBIC Operations, Investment Division, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653-6848.

SUPPLEMENTARY INFORMATION: SBA published a Statement of General Policy on November 29, 1977, (42 FR 60729), revised May 18, 1978 (43 FR 21439) to undertake a three year pilot program to test the feasibility of licensing SBICs to specialize in the financing of production and distribution of motion pictures. (Classified respectively under the Standard Industrial Classification Manual prepared by the Office of Management and Budget as Industry Nos. 7813, 7814, 7823 and 7824.)

The Agency's experience with the Pilot Program for the three year period from November 22, 1978 (the date the first license was issued under the Pilot Program), to November 22, 1981 has been as follows:

A. Six (6) applicants were selected from twenty-nine (29) applications to participate in the pilot, on the basis of experience, management capability, financial soundness, economic feasibility, probability of success, and similar factors.

B. Of the six applicants selected, two fulfilled the licensing requirements and were licensed.

C. Of the two licensed companies, one license has been revoked for cause, while one license remains outstanding and the company is operational.

D. Of the remaining four applicants, two were never able to raise their

capital, and two have recently advised the SBA that they have raised or can raise their capital.

Therefore, SBA has concluded (1) That there is a lack of interest in the Pilot Program by potential investors, (2) That the Pilot Program has not demonstrated a significant impact on the growth and development of independent small business participation in the field of movie production and distribution, and (3) That the continuation of the Pilot Program would result in material and unwarranted diversion of SBA's limited funding resources. For these reasons, SBA has determined to terminate the Pilot Program for special purpose SBICs concentrating their investments in motion picture production and distribution.

The Statement of General Policy published on November 29, 1977, stated if SBA should decide, in its discretion, to terminate the Pilot Program as a whole, or the participation of any single Pilot SBIC, such termination may be accomplished by:

(a) Settlement Agreement under which the SBIC would acknowledge SBA's nonliability for alleged damages due to termination, would cease to make new investments and would place existing assets in liquidation, as a condition precedent to repayment of SBA leverage and license surrender; or

(b) Agreement under which the Pilot SBIC would continue to operate as non-specialist SBIC, and would transfer its film assets to a wholly-owned liquidating subsidiary.

This Notice is published in accordance with Section 3 of the Administrative Procedure Act (5 U.S.C. 552(a)(1)(D)) requiring Federal agencies to publish in the **Federal Register** "* * * statements of general policy * * * formulated and adopted by the agency." As a statement of general policy, it is exempted by 5 U.S.C. 553(b)(A), and 5 U.S.C. 553(d)(2) from public participation-comment procedure and the 30-day postponed effective date requirements of 5 U.S.C. 553 (c) and (d) respectively.

Statement of General Policy: Termination of Pilot Program to Test the Feasibility of Licensees Specializing in the Financing of Movie Production and Distribution

On November 29, 1977, SBA approved a pilot program to test the feasibility of Licensees (SBICs) to specialize in the financing of movie production and distribution (42 FR 60729), revised on May 18, 1978 (43 FR 21439). SBA has determined that continuation of the movie pilot program would not be in the public interest. Therefore, effective January 20, 1982, the Statement of General Policy issued November 28, 1977, revised May 18, 1978, is hereby revoked and the Pilot Program is terminated.

(Catalog of Federal Assistance Program 59.011, Small Business Investment Companies)

Dated: January 8, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82-1388 Filed 1-19-82; 8:45 am]

BILLING CODE 8025-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 6H5132/R90; PH-FRL—2031-5]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation to permit the combined residues of the insecticide carbofuran and its metabolites in or on fatty acids of peanut soapstock. This regulation to establish the maximum permissible level for the combined residues of the pesticide in or on fatty acids of peanut soapstock was requested by FMC Corp.

EFFECTIVE DATE: Effective on: January 20, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of October 12, 1976 (41 FR 44735) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a feed additive petition (FAP 6H5132) proposing that 21 CFR 561.67 be amended by the establishment of a regulation permitting the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate); its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol; 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the feed commodity fatty acids of peanut soapstock at 24.0 parts per million (ppm), of which not more than 3 ppm are carbamates, reflecting residues of 6 ppm phenolic metabolite and 1 ppm in alkaline soapstock.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 parts per million (ppm) for cholinesterase inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg/kilogram (kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day respectively; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year rat chronic feeding/oncogenicity study with a systemic effects and cholinesterase inhibition NOEL of 20 ppm and using a 200 fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove peanuts from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerance. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use. There is no reasonable expectation of residues in poultry and eggs.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the regulation permitting the combined residues of carbofuran and the metabolites in or on the commodity fatty acids of peanut soapstock will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before Februrary 19, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement of this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: January 20, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

Dated: January 6, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 561.67 is amended by adding the feed commodity fatty acids of peanut soapstock alphabetically to table to read as follows:

§ 561.67 Carbofuran.

* * * * *

Commodity	Parts per million (ppm)
* * * * *	
Fatty acids of peanut soapstock (of which not more than 3 ppm are carbamates, reflecting residues of 8 ppm phenolic metabolite and 1 ppm in alkaline soapstock)	24.0
* * * * *	

[FR Doc. 82-1251 Filed 1-19-82; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 17

[Order No. 966-82]

Department of Justice Responsibilities for National Security Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This Order makes four amendments to Part 17 of Title 28, Code of Federal Regulations. First, to permit flexibility, the Order eliminates the requirement that the Attorney General's representative on the Interagency Information Security Committee be the Deputy Assistant Attorney General, Office of Legal Counsel. Second, the Order eliminates the requirements in current Department of Justice Regulations that the Chairman of the Department Review Committee be the member of that committee from the Department's Office of Legal Counsel. To permit flexibility, the Order provides that the Chairman shall be designated by the Attorney General from the voting membership of the committee. Third, a senior representative from the Office of Intelligence Policy and Review has been added to the membership of the Department Review Committee. Fourth, the Order provides that the Office of Intelligence Policy and Review shall be responsibile for providing advice to the Department Security Officer with regard to questions of law and policy that pertain to safeguarding National Security Information.

EFFECTIVE DATE: January 7, 1982.

FOR FURTHER INFORMATION CONTACT: A. R. Cinquegrana, Deputy Counsel for Intelligence Policy, Office of Intelligence Policy and Review, U.S. Department of Justice, Washington, D.C. 20530. (202-633-5598).

SUPPLEMENTARY INFORMATION: This Order is not a rule within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

PART 17—REGULATIONS IMPLEMENTING EO 12065 "NATIONAL SECURITY INFORMATION"

By the authority vested in me as Attorney General by 5 U.S.C 301 and 28 U.S.C. 509, 510, Part 17 of Title 28, Code of Federal Regulations is hereby revised as follows:

1. Section 17.144 is revised to read as follows:

§ 17.144 Interagency Information Security Committee.

Pursuant to Executive Order No. 12065, an Interagency Information Security Committee has been established. It is chaired by the Director of the Information Security Oversight Office and is comprised of representatives of the Secretaries of State, Defense, Treasury, and Energy, the Attorney General, the Director of Central Intelligence, the National Security Council, the Domestic Policy Staff, and the Archivist of the United States. Representatives of other agencies may be invited to meet with the Committee on matters of particular interest to those agencies. The Committee shall meet at the call of the Chairperson or at the request of a member agency and shall advise the Chairperson on implementation of Executive Order No. 12065.

2. Section 17.148 paragraphs (b) and (c) are revised to read as follows:

§ 17.148 Department Review Committee.

* * * * *

(b) The voting members of the Department Review Committee shall consist of a senior representative from each of the following elements within the Department:

(1) Office of the Deputy Attorney General.

(2) Office of Legal Counsel.

(3) Criminal Division.

(4) Justice Management Division.

(5) Federal Bureau of Investigation.

(6) Office of Intelligence Policy and Review.

(c) The head of each component listed will designate a voting member and an alternate in writing to the Chairman of the Department Review Committee, who shall be designated by the Attorney General from among the voting members.

* * * * *

3. Section 17.150 is amended by adding paragraph (c) to read as follows:

§ 17.150 The Department Security Officer.

* * * * *

(c) With respect to questions of law and policy that pertain to safeguarding National Security Information, the

Department of Justice Security Officer shall seek advice from the Office of Intelligence Policy and Review.

Dated: January 7, 1982.

William French Smith,

Attorney General.

[FR Doc. 82-1269 Filed 1-19-82; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 0F2346/R393; PH-FRL-2031-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Bromoxynil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide bromoxynil resulting from the application of its octanoic acid ester and/or butyric acid ester in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for bromoxynil in or on these raw agricultural commodities was requested by Union Carbide Agricultural Products Co., Inc.

EFFECTIVE DATE: Effective on January 20, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection, Rm. 3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of October 8, 1980 (45 FR 66863), that Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, TW Alexander Dr., Research Triangle Park, NC 27709, had filed pesticide petition of 0F2346 with the EPA. This petition proposed the establishment of tolerances for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) resulting from the application of its octanoic acid ester in or on the raw agricultural commodities: flax seed; flax straw; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep; oat grain; oat forage (green); oat straw; rye grain; rye forage (green); rye straw; wheat grain, wheat forage (green); and wheat straw at 0.1 part per million (ppm). The petition was corrected in the Federal Register of December 16, 1980 (45 FR 82705) to include barley forage (green), barley grain, and barley straw at 0.1 ppm and butyric acid ester. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data evaluated included several acute studies; a 13-week feeding study (dog) with a no-observed-effect level (NOEL) of 5 milligrams (mg)/kilogram (kg)/day; a 13-week feeding study (rat) with a NOEL of 312 ppm/day; a 3-generation reproduction study (rat) with a NOEL of 300 ppm for reproductive effects; a teratogenicity study (rat) negative for terata at 15 mg/kg/day; and an Ames *Salmonella*/Mutagen Assay (negative).

Data considered desirable, but currently lacking, are chronic/oncogenicity studies. The company has been notified of these deficiencies and has agreed to perform the studies.

The provisional acceptable daily intake (PADI) is calculated to be 0.0025 mg/kg/day based on a NOEL of 5 mg/kg/day (13-week dog feeding study) and using a safety factor of 2,000. For a 60-kg person, the maximum permissible intake (MPI) is 0.15 mg/day. Tolerances have previously been established for residues of the herbicide resulting from the application of its octanoic acid ester on the crops listed above for a theoretical maximum permissible residue contribution (TMRC) of 0.0326 mg/day for a 1.5 kg diet or 21.71 percent of the PADI. No change in the PADI or TMRC results from this action because only the addition of the butyric acid ester is requested. There are no new crop tolerances requested.

There are no regulatory actions pending against the herbicide and no Rubuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residues is adequately understood. An adequate analytical method (gas chromatography with a Ni electron capture detector) is available for enforcement purposes. The existing tolerance of 0.1 ppm in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep will cover any secondary residues which may occur. There is no reasonable expectation of finite residues occurring in milk, poultry, or eggs; therefore, § 180.6(a)(3) applies.

The herbicide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established in 40 CFR 180.324 as set forth below.

Any person adversely affected by this regulation may on or before February 19, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 20, 1982.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: January 6, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.324 is revised by removing the reference to negligible residues and adding butyric acid ester to read as follows:

§ 180.324 Bromoxynil; tolerances for residues.

Tolerances are established for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) resulting from application of its octanoic acid ester and/or butyric acid ester in or on the following commodities:

Commodities	Part per million
Barley, forage, green	0.1
Barley, grain	0.1
Barley, straw	0.1
Cattle, fat	0.1
Cattle, mbyp	0.1
Cattle, meat	0.1
Flaxseed	0.1
Flax straw	0.1
Garlic	0.1
Goats, fat	0.1
Goats, mbyp	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, mbyp	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, mbyp	0.1
Horses, meat	0.1
Oats, forage, green	0.1
Oats, grain	0.1
Oats, straw	0.1
Rye, forage, green	0.1
Rye, grain	0.1
Rye, straw	0.1
Sheep, fat	0.1
Sheep, mbyp	0.1
Sheep, meat	0.1
Wheat, forage, green	0.1
Wheat, grain	0.1
Wheat, straw	0.1

[FR Doc. 82-1252 Filed 1-19-82; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP 6F1701/R375; PH-FRL—2031-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide carbofuran and its metabolites in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the insecticide in or on the commodities was requested by FMC Corp.

EFFECTIVE DATE: Effective on January 20, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm 3708, 401 M St., SW., Washington, DC. 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of October 12, 1976 (41 FR 44735) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (PP 6F1701) proposing that 40 CFR 180.254 be amended by increasing the established tolerances for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate); its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the Raw agricultural commodities peanuts from 0.2 parts per million (ppm), of which not more than 0.1 ppm is carbamates, to 4.0 ppm, of which not more than 1.5 ppm are carbamates and peanut hulls from 5.0 ppm, of which not more than 1.0 ppm is carbamates, to 10.0 ppm, of which not more than 8.0 ppm are carbamates.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a 2-year chronic feeding/oncogenicity study in the rat and mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two-rat teratology studies which were negative up to 160 ppm and 1.2 milligrms (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL of 20 ppm and 1.2 mg/kg bw/day; a rabbit teratology study which was negative for terata and fetotoxicity at 20 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year chronic rat feeding/oncognenicity study with a systemic effects and cholinesterase-inhibition NOEL of 20 ppm and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove peanuts from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromotography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerances. The existing meat and milk tolerances are adequate to cover any residue resulting from the proposed use. There is no reasonable expectation of residues in poultry and eggs.

The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before February 19, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 20, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: January 6, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.254 is amended by increasing the established tolerances for the commodities peanuts and peanut hulls to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Part(s) per million (ppm)
* * * * *	
Peanuts (of which not more than 1.5 ppm are carbamates)	4.0
Peanut hulls (of which not more than 8.0 ppm are carbamates)	10.0
* * * * *	

[FR Doc. 82-1249 Filed 1-19-82; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3100 and 3110

[Circular No. 2494]

Oil and Gas Leasing; Increase in Filing Fees Accompanying Noncompetitive Oil and Gas Lease Applications and Rental Increase for Simultaneous Oil and Gas Leases

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will increase the filing fee that accompanies noncompetitive oil and gas lease applications from $25 to $75. It will also raise the rental for simultaneous oil and gas leases issued after the effective date of this rulemaking from the present $1 per acre per year for the life of the lease. The new rental will be $1 per acre per year for the first five years of the lease and $3 per acre per year thereafter.

EFFECTIVE DATE: February 19, 1982.

ADDRESS: Any suggestions or inquiries should be sent to: Director (530), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles Weller, (202) 343-7753, or Rob Cervantes, (202) 343-7722.

SUPPLEMENTARY INFORMATION: The proposed rulemaking amending the regulations on the filing fee that accompanies noncompetitive oil and gas lease applications and the rental for simultaneous oil and gas leases was published in the **Federal Register** on October 29, 1981 (46 FR 53645), with a 30-day comment period ending on November 30, 1981. The comment period was extended for an additional 15 days, to December 15, 1981, by a notice published in the **Federal Register** on November 30, 1981 (46 FR 58109). A total of 1854 comments were received on the proposed rulemaking, with the vast majority of the comments coming from individuals. Most of the comments were directed at the increase in the filing fee, with a fairly sizable number, less than half, commenting on both the filing fee and the rental. The increase in rental only was the subject of a much smaller number of comments.

A breakdown of the comments on the filing fee increase shows that 1689 were opposed to the increase, with 21 favoring. The comments on the rental increase showed 486 favoring the increase with 785 opposing it.

A careful review of the comments showed that there were no substantive views presented on the increases in the filing fee or rentals. Most of the comments were simply a statement of opposition or support for the increase. In view of the fact that the Department of the Interior has received no compelling argument for not instituting the proposed increases in the filing fee and rental, the final rulemaking restates the provisions of the proposed rulemaking without change.

The principal author of this final rulemaking is Charles Weller, Division of Oil and Gas, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is a major rule under Executive Order 12291 but will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354).

The final regulatory impact analysis; including an analysis of the public comments, on this rulemaking has been prepared and copies are available to the public at the following address: Director (530), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Under the authority of the Omnibus Budget Reconciliation Act of 1981, and the Mineral Lands Leasing Act of 1920, as amended, 30 U.S.C. 181 *et seq.*, Parts 3100 and 3110, Group C, Chapter II of Title 43 of the Code of Federal Regulations are amended as set forth below.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

January 8, 1982.

PART 3100—OIL AND GAS LEASING

§ 3103.1-3 [Amended]

1. Section 3103.1-3 is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

§ 3103.2-1 [Amended]

2. Section 3103.2-1(a) is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

3. Section 3103.3-2 is amended by adding a new paragraph (f) as follows:

§ 3103.3-2 [Amended]

* * * * *

(f) An annual rental of $1 per acre or fraction thereof for each of the first 5 years and $3 per acre or fraction thereof thereafter shall be paid on all leases issued under Subpart 3112 of this title after the effective date of this rulemaking. During the first 5 years of the lease the rental is subject to increase under paragraph (b)(1) of this section. However, paragraph (b)(1) is not applicable to leases for which the annual rental is $3.

PART 3110—NONCOMPETITIVE LEASES

§ 3111.1-3 [Amended]

1. Section 3111.1-3(a) is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

§ 3111.2-2 [Amended]

2. Section 3112.2-2(a) is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

[FR Doc. 82-1438 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 74

[BC Docket No. 81-394]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; Rules To Provide for the Elimination of Harmful Interference to Radio Communications Involving Safety to Life and Protection of Property; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects an erroneous statement regarding the adoption date of the Report and Order in BC Docket No. 81-394 concerning the amendment of Part 74 with regard to the elimination of harmful interference to radio communications involving safety to life and protection of property.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 74 of the Commission's Rules to provide for the elimination of harmful interference to radio communications involving safety to life and protection of property, BC Docket No. 81-394.

Released: January 11, 1982.

1. The *Report and Order* in the above-captioned matter, released December 29, 1981, (47 FR 1392; January 13, 1982) stated an adoption date of October 1, 1981. The correct adoption date is December 12, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-1333 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-522; RM-3582]

FM Broadcast Stations in Carnelian Bay, South Lake Tahoe and Truckee, California, and Incline Village, Nevada; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes three Class B FM channels for three Class A channels, one at Carnelian Bay, California, and two at South Lake Tahoe, California. Also, one Class A channel was substituted for another such channel at Incline Village, Nevada. This action was taken in response to a petition filed by Emerald Broadcasting Company and comments filed by Entertainment Enterprises, Inc., and Tahoe Wireless Company. The modified licenses will enable the respective stations to better serve their service areas which have shown significant population growth since the 1970 Census.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau (202) 632-7792

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Carnelian Bay, South Lake Tahoe and Truckee, California, and Incline Village, Nevada); Report and order (proceeding terminated).

Adopted: January 6, 1982.

Released: January 15, 1982.

By the Acting Chief, Policy and Rules Division:

1. The Commission has before it the *Further Notice of Proposed Rule Making*, 46 FR 39627, published August 4, 1981, proposing the substitution of Class B Channel 279 for Channel 269A at Carnelian Bay, California; the substitution of Class B Channels 230 and 275 for Channels 261A and 276A at South Lake Tahoe, California, and the substitution of Channel 261A for 228A at Incline Village, Nevada.[1] Comments were filed by Tahoe Wireless Co., Inc. ("Wireless"), Entertainment Enterprises, Inc. ("EEI"), and Emerald Broadcasting Co. ("Emerald"). Reply comments were also submitted by Wireless and EEI.

2. In its comments, Wireless supports the proposal to upgrade the facilities of its Station KEZC, Carnelian Bay, California. The *Further Notice* proposed to modify KEZC's license to specify operation on Class B Channel 279 instead of Channel 269A. Although Carnelian Bay is a small community, it is situated on the shores of Lake Tahoe. Thus, from its base, KEZC seeks to provide a program service to the entire Lake Tahoe community in California. EEI, licensee of FM Station KRLT, South Lake Tahoe, California, also supports a plan proposed in the *Further Notice*, i.e., modification of station licenses to authorize Class A Station KZFR (formerly KTHO-FM) and KRLT, South Lake Tahoe, California, to operate on Class B channels. EEI notes with approval the Commission's proposal to delete Channel 261A from South Lake Tahoe and substitute it for Channel 228A at Incline Village, Nevada. Removing Channel 228A at Incline Village would eliminate the site restriction on the use of Channel 230 at South Lake Tahoe and allow EEI to utilize Channel 230 from is present transmitter site.

3. A submission was also filed by Emerald, licensee of FM Station KZFR, South Lake Tahoe, California, commenting on the Commission's proposal to upgrade the two Class A channels allocated to South Lake Tahoe, instead of just upgrading the petitioner's (Emerald) facility, in order to avoid intermixing classes of FM channels in the same community. Although supporting the Commission's proposal to modify its license to specify Channel 275, in lieu of its presently authorized frequency, Channel 276A, Emerald objects to any requirement that it pay for the modification of any other station in the community to change its frequency. According to Emerald, it filed the petition for rule making in this proceeding in order to deliver enhanced service to the citizens of the Lake Tahoe area, as well as to counteract the detrimental competitive effect of the Commission's action in dropping a Class B channel into the Lake Tahoe area (Tahoe City, California). Emerald argues that the Commission's proposal that it pay the conversion expenses to Class B status for another station, when Emerald is merely trying to avert the financial harm flowing from the Commission's action in dropping in a Class B channel in the area, flies in the face of the competitive parity which the Commission espouses as the purpose for its policy against intermixture of classes of stations. Emerald further asserts that there is no logical basis for the current Commission policy against intermixing classes of stations in a community. By proposing to upgrade Wireless' station in Carnelian Bay because of the proposed upgrading of the two South Lake Tahoe stations, contends Emerald, the Commission is recognizing the necessity of viewing proposed changes in a licensee's license from a market perspective. Therefore, Emerald submits, it is wrong of the Commission to maintain that an upgrading of Emerald's station requires an upgrading of EEI's license with the costs of the resultant change in frequency to be borne by the former party.

4. Emerald further argues that even if the Commission's policy against intermixture is justifiable, it should not apply in this case. Petitioner contends that the catalyst for this proceeding was its attempt to achieve greater technical parity for KZFR which competes with KRLT, and to which KZFR is currently considerably inferior. It submits the Commission's proposal to upgrade KRLT would not only serve to continue this competitive disparity but would further exacerbate the situation. Since KRLT's transmitter is located in Stateline, Nevada, Emerald argues, if upgraded, it will become a Class C station, able to

[1] The Commission also issued an *Errata*, 46 FR 4182, published August 18, 1981, correcting the reference in the *Further Notice* to Channel 269A being located at Carnelian Bay. In fact, although Channel 269A is used at Carnelian Bay, California, by Station KEZC, the channel is listed in the Table of Assignments as being assigned to Truckee, California. Therefore, Channel 269A was proposed for deletion from Truckee and Channel 279 was proposed for assignment to Carnelian Bay. In the event that the Commission determined not to substitute the Class B channel for the Class A channel, Channel 269A was to be reassigned to Carnelian Bay in acknowledgement of its actual use.

transmit at a higher power than KZFR, thus increasing KRLT's present competitive advantage. Not only would this create an unjust result, states Emerald, but as a further injustice, Emerald would be forced to pay directly for KRLT's frequency change. In the final analysis, Emerald contends that it is not the party which receives the ultimate benefit from the proposed license modification. Finally, petitioner asserts that there are no hard and fast rules on applying the reimbursement policy. Instead, it is left to the discretion of the Commission to determine what is fair and just in each particular case. Given the circumstances of this case, submits Emerald, an equitable result would not be reached if Emerald were required to pay for the conversion of KRLT to a Class C station.

5. Reply comments were filed by both Wireless and EEI. The former submitted that it would be unfortunate if the disagreement between the other two parties concerning the matter of reimbursement should impede or prevent the upgrading of all three Lake Tahoe area stations. Wireless contends that a situation in which the Lake Tahoe stations continue to operate with Class A facilities deprives the public of the benefits of full and effective competitive service.

6. In its response to Emerald's comments, EEI argues that the intermixture policy refers to a community of license, not to a region. Therefore, this FM allocation proceeding was not initiated by the Commission's drop-in action (at Tahoe City), but rather by Emerald's petition for rule making. Further, EEI asserts that, in view of Emerald's arguments in favor of upgrading its own facilities, which are premised on the Commission's intermixture policy, it is disingenuous for Emerald to argue that the policy should not likewise be invoked for the benefit of EEI. According to EEI, Emerald has failed to suggest any FCC policy which might be advanced by permitting a deviation from the intermixture policy. In regard to the alleged inferior position of KZFR, EEI argues that it is KRLT which is in the inferior position in the market because KZFR enjoys the advantage of having a commonly-owned AM station in the same market in addition to its fifteen year dominance of FM broadcast service in South Lake Tahoe. KRLT has been further disadvantaged, states EEI, by the fact that it incurred substantial expenditures for the replacement of essential equipment following the August 26, 1980, bomb blast which caused unexpected and massive disruption of service. Although Emerald argues that KRLT would be considered a Class C station because of its transmitter location, EEI asserts that Emerald has not indicated that it would be precluded from Class C status by changing its transmitter location. Finally, EEI notes that unlike the uncompensated party in *Lake Havasu City, Arizona*, 49 R.R. 2d 1517 (1981), who independently expressed a willingness to pursue a Class C assignment making it clear that it would convert without reimbursement, EEI has never indicated a willingness to convert without reimbursement.[2]

7. In view of the first and second FM service [3] which can be provided to the area of South Lake Tahoe by a Class B facility, the assignment of two Class B channels is warranted. Thus, we are modifying Emerald's license for FM Station KZFR from Channel 276A to Channel 275 and EEI's license for Station KRLT from Channel 261A to Channel 230. We note that the city of South Lake Tahoe has a present population of 20,681,[4] indicating a substantial growth during the last decade. In view of the general Commission policy to avoid an intermixture of classes of FM in the same community unless it is shown that the intermixture would not be harmful or that the Class A licensee is willing to compete under unfavorable circumstances, we generally upgrade each Class A station.[5] Since there were no objections to removing Channel 228A at Incline Village and substituting Channel 261A, we are taking that action in order to avoid any site restriction on KRLT's use of Channel 230 at South Lake Tahoe. The two applicants for Channel 228A at Incline Village retain their "cut off" status and may amend their applications. Also to be modified is Station KEZC's license to indicate operation on Channel 279 instead of Channel 269A. Although Carnelian Bay is a small community, it warrants an upgrading of its facilities in that it services the larger area of Lake Tahoe. We note that no objections to this channel change have been made by any of the parties.

8. The one modification that we wish to discuss at greater length is that of Station KRLT. In regard to Emerald's argument concerning the validity of the intermixture policy, we note this is not the appropriate forum for a discussion of the policy's merit. A general rule making proceeding is the proper procedure for any changes in our policy against intermixing classes of FM channels. Underway at this time is a proceeding initiated by a *Notice of Inquiry and Notice of Proposed Rule Making* in Docket 80-130, 45 FR 26390, published April 18, 1980, evaluating various Commission policies, such as the intermixture, which do not have the status of rules but are regularly employed in the rule-making process. As for whether an exception to the policy should be made here, we have found that in view of the substantial public benefit in the provision of service to the generally underserved areas nearby, intermixture would not be desirable. See footnote 4, *supra*.

9. In regard to the reimbursement question, the major subject in dispute, our general policy is to order the party benefitting to reimburse where the Commission finds it equitable to do so. The proper figure is normally left to the good faith determination of the parties, subject to Commission approval in the event of disagreement. In a case such as this one, the amount reimbursed would include only the cost of converting the operating frequency. The cost of increasing the power and antenna height to conform to the minimum requirements of a Class B or C operation would not be reimbursed since that benefit accrues to the existing station. See, *Mitchell, S.D.* 62 F.C.C. 2d 70 (1976). In the present case, as in *McCook, Nebraska, supra*, the petitioner, as the licensee of Station KZFR is the benefitting party. The reason we are mandating reimbursement in this case, and it is a limited form of reimbursement, is the unfairness of putting the existing station in a position of being compelled to upgrade its station in order to remain competitive. We note that there is no evidence that EEI would have sought to upgrade its facilities if Emerald had not wished a Class B facility. It is reasonable to assume that EEI is interested in doing so only to compete on an equal basis. Further, since it was the Commission's desire to avoid an intermixture result, we took the initiative in proposing the modification of the second Class A license as well as Emerald's Class A license located in South Lake Tahoe. In view of the above

[2] The substantive issues raised in response to the *Further Notice* outlined above are essentially the same as those raised in comments responding to the *Notice* and will be analyzed and resolved in this *Order* as previously indicated.

[3] As set forth in the *Notice*, a first FM service could be provided to 1177 sq. kilometers (460 sq. miles) serving 6,079 persons and a second FM service to 632 sq. kilometers (247 sq. miles) serving 416 persons.

[4] Population figures are taken from the 1980 U.S. Census.

[5] See also *McCook, Nebraska*, 46 FR 4004, published August 6, 1981, and *Ogallala, Nebraska*, 46 FR 40699, published August 11, 1981.

points, we do not believe that an exception to our reimbursement policy is warranted here. See also *Ogallala, Nebraska, supra.*

10. Since there has been no other interest expressed in Channels 230 and 275 at South Lake Tahoe and 279 at Carnelian Bay or Truckee, we shall modify the licenses of Stations KRLT, KZFR and KEZC, accordingly. See *Cheyenne, Wyoming,* 62 F.C.C. 2d 63 (1976).

11. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective March 15, 1982, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to Carnelian Bay, South Lake Tahoe and Truckee, California, and Incline Village, Nevada, as follows:

City	Channel No.
Carnelian Bay, Calif	279
South Lake Tahoe, Calif	230, 275
Truckee, Calif	
Incline Village, Nev	261A

12. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934 as amended, that the license of Station KEZC is modified to specify operation on Channel 279, Carnelian Bay, California, subject to the following:

(a) At least 30 days before operating on Channel 279, the licensee shall submit to the Commission, a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on Channel 279, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

13. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, that the license of Station KRLT, South Lake Tahoe, California, is modified, to specify operation on Channel 230, subject to the following:

(a) At least 30 days before operating on Channel 230, the licensee shall submit to the Commission, a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on Channel 230, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

14. It is further ordered, pursuant to the authority contained in section 316 of the Communications Act of 1934, as amended, that the license of Station KZFR, South Lake Tahoe, California, is modified, to specify operation on Channel 275, subject to the following:

(a) At least 30 days before operating on Channel 275, the licensee shall submit to the Commission, a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on Channel 275, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

15. It is further ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Order* to Incline Broadcasting Services, Inc., c/o One East First Street, Reno, Nevada 89501; to North Lake Tahoe Broadcasting Co., P.O. Box 3549, Incline Village, Nevada 89450, the applicants for Channel 228A at Incline Village.

16. It is further ordered, that this proceeding is terminated.

17. For further information concerning this proceeding, contact Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-1378 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-667; RM-3354]

FM Broadcast Stations, St. Johnsbury, Vermont; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 288A to St. Johnsbury, Vermont, as that community's first FM assignment, in response to a petition for reconsideration filed by North Country Communications, Inc.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (St. Johnsbury, Vermont); Memorandum opinion and order (proceeding terminated).

Adopted: January 6, 1982.

Released: January 13, 1982.

By the Acting Chief, Policy and Rules Division.

1. The Commission herein reconsiders a *Report and Order* adopted May 1, 1981 (Docket No. 80-667, RM-3354), denying the request of Twin State Broadcasters, Inc. ("petitioner") to assign Channel 288A to St. Johnsbury, Vermont, as its first FM assignment. Reconsideration of the petition is sought by North Country Communications, Inc., licensee of Station WNCS-FM (Channel 244A), Montpelier, Vermont.

2. The Commission issued a *Notice of Proposed Rule Making* (45 FR 73980; November 7, 1980), seeking comments on the proposal to assign Channel 288A to St. Johnsbury, Vermont. The Commisssion did not receive comments from the petitioner (or any other interested persons), and consistent with our policy and procedures set forth in the Appendix to the *Notice,* we refrained from making the assignment. North Country, in its petition for reconsideration, states its intent to apply for authority to construct and operate a station on Channel 288A, if assigned.

3. We believe that the public interest would be served by the assignment of Channel 288A to St. Johnsbury, Vermont, since it would provide the community with an opportunity for a first FM broadcast service. Inasmuch as the channel would have been assigned earlier had it not been for a lack of expression of interest, we believe that a reversal of our earlier denial of the petition is warranted.

4. Canadian concurrence in the assignment of Channel 288A to St. Johnsbury, Vermont, has been obtained.

5. Accordingly, it is ordered, That the petition for reconsideration filed by

North Country Communications, Inc., is granted.

6. It is further ordered, that effective March 15, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to St. Johnsbury, Vermont, as follows:

City	Channel No.
St. Johnsbury, Vt	288A

7. Authority for the action taken herein is found in Sections 4(i), 5(d)(1) and 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-1377 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-561; RM-3857]

Radio Broadcast Services; FM Broadcast Station Ellijay, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 228A to Ellijay, Georgia, in response to a petition filed by Gilmer County FM Broadcasters. The assignment could provide for a first local FM broadcast service to Ellijay.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ellijay, Georgia), BC Docket No. 81-561, RM-3857.

Report and Order

(Proceeding Terminated)

Adopted: January 6, 1982.

Released: January 13, 1982.

1. The Commission herein considers a Notice of Proposed Rule Making, 46 FR 43201, published August 27, 1981, proposing the assignment of FM Channel 228A to Ellijay, Georgia, as that community's first FM assignment, at the request of Gilmer County FM Broadcasters ("petitioner"). Supporting comments were filed by petitioner in which it restated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Ellijay (population 1,507),[1] the seat of Gilmer County (population 11,110), is located approximately 104 kilometers (65 miles) north of Atlanta, Georgia. It is served locally by AM Station WLEJ.

3. Petitioner has submitted information with respect to Ellijay which is persuasive as to its need for a first local FM assignment.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 228A to Ellijay, Georgia. A demand has been shown for its use and it would provide the community with a first local FM service.

5. In the Notice, the Commission stated that a site restriction on a Channel 228A assignment to Ellijay would be necessary unless a pending CP to move Station WQXI in Smyrna, Georgia, were granted. Since the release of the Notice, the CP for Station WQXI has been granted. Therefore, no site restriction is required.

6. Accordingly, it is ordered, That effective March 15, 1982, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the community listed below as follows:

City	Channel No.
Ellijay, Georgia	228A.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Population figures are taken from the 1980 U.S. Census.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-1339 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-61; RM-3559 and RM-3662]

Radio Broadcast Services; FM Broadcast Stations in Avilla, Auburn, Albion, Garrett and Lagrange, Ind.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reassigns FM Channel 288A from Auburn, Ind., to Lagrange, Indiana, at the request of Paul D. Mowery. A conflicting proposal to use the channel at either Albion, Indiana, or at Garrett, Indiana, by James E. Price, was denied. Another conflicting proposal to assign a channel to Avilla, Ind., by the Harts Corp., was also denied.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Avilla, Auburn, Albion, Garrett and Lagrange, Indiana); BC Docket No. 81-61, RM-3559, RM-3662.

Report and Order

(Proceeding Terminated)

Adopted: January 6, 1982.

Released: January 14, 1982.

1. Before the Commission is a Notice of Proposed Rule Making, 46 FR 14359, published February 27, 1981, proposing four options for changes in northeastern Indiana:

Option I—Assign Channel 272A to Avilla, Indiana.

Option II—Substitute Channel 272A for Channel 288A at Auburn, Indiana, and reassign Channel 288A to Lagrange, Indiana.

Option III—Assign Channel 272A to Garrett, Indiana.

Option IV—Assign Channel 272A to Albion, Indiana.

This proposal was made in response to petitions filed by the Harts

Corporation ("Harts"), by Mr. Paul Mowery ("Mowery"), and by James E. Price ("Price"). Harts, proponent of assigning Channel 272A to Avilla, filed comments supporting Option I. Price, proponent of assigning Channel 272A to Albion or Garrett, filed comments supporting the assignment to Garrett and reaffirming his intention to apply (Option III). C.P. Broadcasters, Inc., licensee of Station WIFF and WDKB-FM in Auburn and Paul D. Mowery, proponent of the Lagrange assignment, filed comments in favor of Option II. Harts, Mowery and C.P. Broadcasters all filed reply comments.

2. *Community Data:*

(a) Avilla (population 1,272),[1] located in Noble County (population 35,443), is approximately 192 kilometers (120 miles) north of Indianapolis, Ind.

(b) Albion (population 1,637) is located in Noble County, approximately 190 kilometers (118 miles) north of Indianapolis.

(c) Garrett (population 4,874), is located in DeKalb County (population 33,606) approximately 194 kilometers (121 miles) north of Indianapolis.

(d) Lagrange (population 2,164), seat of Lagrange County (population 25,550), is located approximately 216 kilometers (135 miles) north of Indianapolis.

(e) None of these four communities presently has local aural service.

3. As stated in the notice, Channel 272A is available for assignment at only one of the four cities (Avilla, Albion, Auburn (as a substitute) or Garrett) due to mileage separation requirements. The assignment to Avilla would also make the channel available at Albion or Garrett under the 10-mile rule (§ 73.203(b)). A Garrett assignment could also be used at Avilla but not at Albion. An Albion assignment could also be used at Avilla but not at Garrett. The chart below depicts these options:

Assignment	Application can specify
(1) Avilla	Avilla, Albion or Garrett
(2) Garrett	Avilla or Garrett
(3) Albion	Avilla or Albion.

4. Harts asserts that the Price counterproposal for an assignment to either Garrett or Albion should not have been accepted because Price failed to state he would apply for either city. Harts prefers Option I (Avilla) noting that it provides the most flexibility in that the application of the 10-mile rule would permit a comparative hearing to consider the section 307(b) issue in light of the specific application proposals before it. Harts argues that the only mutually exclusive proposal, therefore, is the request for a Lagrange assignment. In comparing the communities, Harts indicates that Avilla has grown 50 percent in population since the 1970 U.S. Census to 1,352 (the preliminary 1980 U.S. Census lists Avilla at 1,272 population). Lagrange, we are told by Harts, is already well served by Stations WSTR (AM and FM), Sturgis, Michigan, as well as by stations in Elkhart and Angola, Indiana. Finally, the possibility of fourth adjacent channel interference to Station WFDT (Channel 292A), Columbia City, Indiana, would be avoided.

5. Price argues in favor of a Garrett assignment that it is the largest community of those under consideration and has shown the best growth pattern.

6. Mowery reaffirmed his interest in the Lagrange proposal and incorporated by reference his earlier comments on the need for a first local service at Lagrange. Mowery adds that Lagrange is a larger community than Avilla or Albion.

7. C.P. Broadcasters also states that it favors the Lagrange proposal assuming it would be reimbursed for the necessary change in frequency for its Auburn station. It contends that Avilla, Albion and Garrett are located in the same general area and already receive service from nearby stations in Auburn, Kendallville and Fort Wayne. Thus, these cities would have a difficult time supporting a station in the competitive climate. On the other hand, Lagrange, located 40 miles from Fort Wayne, is a county seat and independent from larger communities.

8. No interest in Option IV, assignment of Channel 272A to Albion, was submitted. Therefore, we have dismissed that alternative from consideration herein.

9. In reply, Harts asserts that Avilla deserves local service and is not adequately served by nearby stations. Mowery also argues that nearby stations (particularly Sturgis, Michigan) do not provide adequate local service to Lagrange. C.P. Broadcasters agrees with Mowery that the stations closer to Avilla, in the same county, provide better service to its local needs than do the stations closest to Lagrange (in another state).

10. The Commission has found that sufficient information has been submitted to suggest that each of these communities could support a first FM broadcast station. The assignment of Channel 272A to Garrett (Option III), under the 10-mile rule (§ 73.203(b) of the Commission's Rules), would allow for its use in either Garrett or Avilla and conversely, assignment of the channel to Avilla (Option I) would permit its use at Garrett. Therefore, we shall consider Options I and III in combination in comparing the need for the assignment at either place to the needs of Lagrange (Option II). We are guided in our deliberations by the priorities first set forth in the *Further Notice of Proposed Rule Making* (Docket No. 14185), FCC 62-687 (1962). See also *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520 (1974). The two applicable factors here are the provision of a first FM broadcast service and the "catch-all" provision in which we consider the relative sizes, locations and reception services. Each of the communities would receive a first broadcast service under the three options. Garrett is the largest of the three communities but is also located closest to the major population center of Ft. Wayne.

Garrett—19 miles from Ft. Wayne.
Avilla—21 miles from Ft. Wayne.
Lagrange—41 miles from Ft. Wayne.

As for reception services, the following chart indicates the number of FM stations providing a 60 dBu signal to the respective communities:

Avilla and Garrett receives:
WDKB-FM (Auburn, Ind.); WAWK-FM (Kendallville, Ind.); WMEE (Ft. Wayne); WPTH (Ft. Wayne)
Lagrange receives:
WAWK-FM (Kendallville, Ind.); WSTR-FM (Sturgis, Michigan)

In addition, Fort Wayne has 5 AM stations, Kendallville has 1 AM station, Auburn has 1 AM station, and Sturgis has 1 AM station. As can be seen, although Garrett is the larger community, Lagrange is more isolated and receives less broadcast services from nearby stations. In addition, Langrange, unlike Avilla and Garrett, is a county seat and, as such, is the most important community in its county. These factors, in our option, justify adoption of the Lagrange proposal despite Garrett's larger population. In a similar case, recently decided, Loogootee, Ind. was chosen for the assignment of Channel 232A despite a conflicting proposal to assign the channel to the larger community of Marshall, Ill. The choice was made on the basis of the greater number of broadcast stations received in Marshall. *Marshall and Robinson, Illinois, and Loogootee, Indiana*, 46 FR 15707, published March 9, 1981. While this case is somewhat closer in that there is not the same difference in the number of signals received, Lagrange rates the preference on two of the three catch-all factors—being more isolated and receiving less broadcast service.

11. Accordingly, it is ordered, that effective March 15, 1982, § 73.202(b) of

[1] Population figures are taken from the 1980 U.S. Census.

the Commission's Rules, the FM Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Auburn, Indiana	272A.
Lagrange, Indiana	288A.

12. Authority for the adoption of the amendments herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

13. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license of Station WDKB–FM, Auburn, Indiana, is modified, effective March 15, 1982, to specify operation on Channel 272A in lieu of Channel 288A with the condition that it will be reimbursed for the reasonable costs of switching frequencies from the ultimate permittee of Channel 288A, Lagrange. The licensee of Station WDKB–FM shall:

(a) At least 30 days before operating on the newly specified channel, file with the Commission a minor change application for a construction permit (Form 301);

(b) Within 10 days after commencing operation on the newly specified channel, submit a license application (Form 302) for the new channel;

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

14. It is further ordered, that the Secretary shall send a copy of this *Order* by Certified Mail, Return Receipt Requested, to C.P. Broadcasters, P.O. Box 551, Auburn, Indiana 46706.

15. It is further ordered, that this proceeding is terminated.

16. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–1336 Filed 1–19–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–562; RM–3837]

Radio Broadcast Services; FM Broadcast Stations in Leoti, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 260 to Leoti, Kansas, in response to a petition filed by KIUL, Inc. The assignment could provide for a first local FM broadcast service to Leoti.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 6, 1982.

Released: January 13, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Leoti, Kansas), BC Docket No. 81–562, RM–3837. Report and Order (Proceeding Terminated)

1. The Commission herein considers a proposal for the assignment of Class C Channel 260 to Leoti, Kansas, as that community's first FM assignment. The Notice of Proposed Rule Making, 46 FR 43216, published August 27, 1981, was issued in response to a petition filed by KIUL, Inc. ("petitioner"). Supporting comments were filed by petitioner affirming its intention to file an application for the channel, if assigned. No oppositions to the proposal were received.

2. Leoti (population 1,869),[1] seat of Wichita County (population 3,041), is located approximately 360 kilometers (225 miles) northwest of Wichita, Kansas. It has no local aural broadcast service.

3. In the Notice, petitioner was asked to submit a listing of alternative channels available to the communities precluded by the Class C assignment and has done so. From this showing, it is apparent that no community will be deprived of the opportunity to have an FM assignment. Further, as stated in the Notice, the proposed assignment will provide a first FM and nighttime aural service to 8,053 square kilometers (3,146 square miles) for 7,381 persons and a second FM and nighttime aural service to 7,116 square kilometers (2,780 square miles) for 13,027 persons.

[1] Population figures are taken from the 1980 U.S. Census.

4. We have given careful consideration to the proposal and believe that Channel 260 should be assigned to Leoti, Kansas. Although a community of this size is not normally assigned a Class C channel, the proposed assignment would provide substantial first and second FM and nighttime aural service to persons in sparsely populated areas. And, since alternative channels are available for the precluded areas, we believe the preclusion impact to be insignificant.

5. Accordingly, it is ordered, That effective March 15, 1982, pursuant to the provisions of sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the community listed below as follows:

City	Channel No.
Leoti, Kansas	260

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–1340 Filed 1–19–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–574; RM–3884]

Radio Broadcast Services; FM Broadcast Station in Woodstock, Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 240A to Woodstock, Virginia, as its first commercial FM channel, in response to a request from Arthur D. Stamler and Virginia I. Stamler, d.b.a. Ruarch Associates.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

Adopted: January 6, 1982.

Released: January 14, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Woodstock, Virginia); BC Docket No. 81-574, RM-3884; Report and Order, (Proceeding Terminated).

1. The Commission has before it for consideration a notice of proposed rule making, 46 FR 43210, published August 27, 1981, proposing the assignment of FM Channel 240A to Woodstock, Virginia, as the community's first FM station. The notice was issued in response to a petition filed by Arthur D. Stamler and Virginia I. Stamler, d.b.a. Ruarch Associates ("petitioner"). Supporting comments were filed by the petitioner in which it reaffirmed its intent to file for the channel, if assigned. An opposition was filed by the manager of Station WFFV-FM, Front Royal, Virginia.

2. Woodstock (population 2,627), in Shenandoah County (27,559),[1] is located in the extreme northwestern portion of Virginia's Shenandoah Valley, approximately 128 kilometers (80 miles) west of Washington, D.C. Channel 240A may be assigned to Woodstock with a site restriction of 1.6 miles southwest of the city to comply with the minimum distance separation requirements of § 73.207 of the Commission's rules.

3. In support of its proposal, the petitioner submitted information with respect to Woodstock which is persuasive as to its need for a first FM channel assignment. Petitioner indicates that it intends to locate its transmitter approximately 3.5 miles south-southeast to avoid the radio quiet zone. This site complies with spacing requirements.

4. In the opposition of WFFV-FM, Front Royal, Virginia (28 kilometers; 18 miles from Woodstock), it is contended that Woodstock is already well served; that additional competition may force an area station into a distress sale; that Woodstock merchants generally oppose proliferation of stations in the area which would decrease the impact of their advertising dollars; and that addition of another station would mean that all stations serving the area would be able to offer less and less to the people. The showing and arguments made in the opposition are not persuasive to deter the assignment of an FM channel providing a first FM service to Woodstock, Rather, allegations of ecomomic impact should be raised at the application stage where the issues can be more fully developed.

5. We conclude that the public interest would be served by the assignment of Channel 240A to Woodstock, Virginia.

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934; as amended, and § 0.281 of the Commission's Rules.

7. Accordingly, IT IS ORDERED, That effective March 15, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Woodstock, Virginia	240A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82-1335 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-566; RM-3868]

Radio Broadcast Services; FM Broadcast Station in Fairmont, West Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 232A to Fairmont, West Virginia, in response to a petition filed by J. Robert Hanway. The assignment could provide Fairmont with a second FM service.

DATE: Effective March 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 6, 1982.

Released: January 13, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fairmont, West Virginia); BC Docket No. 81-566, RM-3868; Report and Order (Proceeding Terminated).

1. The Commission has before it for consideration the notice of proposed rule making herein 46 FR 43717, published August 31, 1981, in response to a petition filed by J. Robert Hanway ("petitioner"), proposing the assignment of FM Channel 232A to Fairmont, West Virginia, as that community's second FM assignment. Supporting comments were filed by petitioner in which he reaffirmed his intent to file for the channel, if assigned as proposed. The assignment is made with a site restriction, as noted *infra*, in conformity with the minimum distance separation requirements of § 73.207(a) of the Commission's Rules. An opposition to the proposal was filed by WMOA, Inc. ("WMOA"), licensee of WMOA-FM, Marietta, Ohio, to which the petitioner did not respond.

2. Fairmont (population 26,093),[1] in Marion County (population 61,356), is located approximately 24 kilometers (15 miles) southwest of Morgantown, West Virginia. It is served locally by two full-time AM stations (WMMN and WTCS), and one FM station (WFGM, Channel 250).

3. In his comments, petitioner incorporated by reference the information contained in the notice, which demonstrated the need for a second FM assignment to Fairmont, West Virginia.

4. As requested in the notice, petitioner submitted a study which indicates that preclusion would occur as a result of the proposed assignment of Channel 232A only on the co-channel and on Channel 235. The communities of Bridgeport, Monongah and Farmington, W. Va., which have a population in excess of 1,000, and are presently without any FM assignments, will sustain preclusion as a result of the proposed assignment. Petitioner neglected to provide a list of alternate channels available thereto. However, since there have been no counterproposals from any of the precluded communities and the potential impact has not been shown to be sufficient enough to warrant denial of the proposal, we will waive the requirement to supply the additional preclusion information.

5. In its opposition comments, WMOA asserts that the proposed assignment of Channel 232A will cause co-channel interference to its operation in Marietta, Ohio. Pursuant to § 73.207(a) of the

[1] Population data are taken from the 1980 U.S. Census.

[1] Population figures are derived from the 1970 U.S. Census.

Commission's Rules, a minimum distance separation of 65 miles is required for co-channel Class A facilities. The distance between Marietta, Ohio, and Fairmont, West Virginia, is approximately 71 miles. Therefore, the proposal herein is in compliance with our rules and any interference which will result is beyond the afforded protection.

6. As expounded in the notice, the assignment herein will create intermixture of a Class A channel with a Class B facility. Although the Commission has been concerned with intermixture at Fairmont in the past, the primary basis for previously deleting two Class A channels there was the lack of interest, particularly when the channels could be used elsewhere. Here, we have an expressed intent to operate a Class A station in competition with an existing Class B, in spite of any unfavorable competitive situation which may result. Therefore, intermixture is not an obstacle to the assignment. See *Yakima, Washington,* 42 FCC 2d 548, 550 (1973); *Key West, Florida,* 45 FCC 2d 142, 145 (1974).

7. In view of the above, we believe that the public interest would be served by the assignment of FM Channel 232A to Fairmont, West Virginia. A site restriction of approximately 2.0 kilometers (1.2 miles) west of the community is required to avoid short-spacing to Station WKLP (Channel 231), in Keyser, West Virginia. Canadian concurrance in the proposal has been obtained.

8. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective March 15, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the following community:

City	Channel No.
Fairmont, West Virginia	232A, 250.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-1331 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 80-252; RM-3239; RM-2861; FCC 81-548]

Amateur Radio Service; Amendment of the Commission's Rules To Permit Facsimile and Television Transmissions in Additional Frequency Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: The Commission is adopting rules which will permit facsimile and television operations (emission types A4, A5, F4 and F5) by amateur radio stations on most frequencies in the HF (high frequency) amateur bands where voice operations (emission types A3 and F3) are permitted. Amateur operators desire to expand their experimentation and use of the facsimile and television modes. The revised rules authorize these modes on additional frequencies to allow their use by more operators in additional amateur bands with different propagation characteristics.

DATES: Effective February 22, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

Adopted: November 24, 1981.

Released: January 14, 1982.

In the matter of an amendment of the Amateur Radio Service Rules to permit facsimile and television transmissions in additional frequency bands, PR Docket No. 80-252, RM-3239, RM-2861; Report and Order (Proceeding Terminated).

1. On June 3, 1980 the Commission adopted a Notice of Proposed Rule Making [1] in the above-entitled matter proposing to permit facsimile transmissions (emission types A4 and F4) and television transmissions (emission types A5 and F5) on certain amateur radio frequencies where they are not currently authorized. That Notice was in response to two petitions for rule making. RM-2861, submitted by Henry B. Ruh, requests that "slow-scan" television emissions be permitted on all HF (high frequency) amateur frequencies (those amateur frequencies between 3 and 30 MHz) where voice emissions (types A3 and F3) are allowed. RM-3239, submitted by Robert J. Roehrig, requests that facsimile transmissions be permitted on all amateur frequencies where television is allowed. The comment period for the Notice ended September 22, 1980 and the reply comment period ended October 22, 1980.

2. In its Notice of Proposed Rule Making, the Commission specifically proposed to allow the use of facsimile and television transmissions on all portions of the Amateur Radio Service bands where voice transmissions are allowed. The frequencies between 1800 and 2000 kHz were not included in the proposed revision in order to protect LORAN-A radio navigation operations. It was also proposed that the bandwidth of facsimile transmissions below 225 MHz be limited to that of a single sideband voice emission with the exception that amplitude modulated double sideband facsimile transmissions between 50 and 225 MHz would be limited to the bandwidth of an amplitude modulated double sideband voice emission. These bandwidth limitations already apply to television transmissions. Provisions to permit the simultaneous transmission of voice and facsimile on the same carrier frequency were proposed which parallel existing provisions for simultaneous transmission of voice and television.

3. Ten comments and a statement with 9 signatures were received in the docket. The statement supports the Commission proposal. Only one comment opposes the proposal. That comment, submitted by R. P. Haviland, contends that slow-scan television signals have a greater interference potential than voice transmissions due to a greater energy content. The comment also claims that, "Because of the adverse interference potential of SSTV (slow-scan television) as compared to SSB (voice), unrestricted sharing of these two modes would be detrimental." The Commission finds no reason to conclude that additional energy content resulting from a television operation will cause any significant harmful interference since it is expected that informal amateur coordination methods will segregate the incompatible modes.

4. Comments filed by Robert J. Roehrig, petitioner in RM-3239, and the American Radio Relay League (ARRL) request that during the promulgation of final rules, bandwidth limitations on F4 and F5 operations between 50 and 225 MHz be relaxed from those proposed in

[1] 45 FR 40192, June 13, 1980.

the Commission Notice. They recommend a bandwidth limitation of approximately 16 kHz as a means of allowing amateurs to utilize equipment in the transmission of facsimile and television that they already own for the transmission of voice. Since it is unlikely that this relaxed bandwidth limitation would result in any additional interference, and since it clearly would be in the best interest of amateurs wishing to use the F4 and F5 modes of emission, this request has been incorporated into the final rules. A provision to have amateur stations limit their peak deviation and modulating frequency during F4 and F5 operations in lieu of limiting their bandwidth has also been added to relieve operators of the need to calculate or measure their occupied bandwidth.

5. The remaining comments (including Mr. Roehrig's and the ARRL's) support the presumptions made in the Commission's Notice. Allowing facsimile transmissions on all frequencies where television is permitted will provide amateurs with an opportunity to use an additional, useful operating mode in bands where such use is currently prohibited. Expansion of the use of television to most telephony portions of the amateur bands will provide an opportunity for use of this mode (along with the facsimile mode) by General Class operators who, until now, have been prohibited from using it in the high frequency bands below 28 MHz. Since use of the television mode has apparently not been a significant incentive for amateurs to upgrade their licenses and since technical skill necessary for such operation is not as great as it has been in the past, there is justification for extending to General Class operators television (and facsimile) privileges in additional high frequency bands.

6. This relaxation of the rules affecting television and facsimile operation will permit experimentation and operation with those modes by a larger base of amateur operators, thus contributing to the advancement of their technical skills. Furthermore, no harmful impact on the Amateur Radio Service is anticipated as a result of these revisions. Consequently, the Commission is adopting final rules in this proceeding which reflect those set forth in the Notice of Proposed Rule Making with the revisions described in paragraph 4 above.

7. Accordingly, it is ordered, that effective February 22, 1982, Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as set forth in the attached Appendix. It is further ordered that to the extent specified herein, RM-2861 and RM-3239 are granted, and in all other respects they are denied. It is further ordered that this proceeding is terminated. This action is taken pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Further information on this matter may be obtained by contacting: Steve Lett, (202) 632-7597, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX

PART 97—AMATEUR RADIO SERVICE

Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as follows:

1. In § 97.61, paragraph (a) is revised to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater and auxiliary operation, subject to the limitations of § 97.65 and paragraph (b) of this section:

Frequency band	Emissions	Limitations [1]
(kHz)		
1800-1900	A1, A3	
1900-2000	A1, A3	1, 2
3500-4000	A1	
3500-3775	F1	
3775-4000	A3, A4, A5, F3, F4, F5	4
4383.8	A3A, A3J	13
7000-7300	A1	3, 4
7000-7150	F1	3, 4
7075-7100	A3, F3	11
7150-7300	A3, A4, A5, F3, F4, F5	3, 4
14000-14350	A1	
14000-14200	F1	
14200-14350	A3, A4, A5, F3, F4, F5	
21000-21450	A1	
21000-21250	F1	
21250-21450	A3, A4, A5, F3, F4, F5	
28000-29700	A1	
28000-28500	F1	
28500-29700	A3, A4, A5, F3, F4, F5	
(MHz)		
50.0-54.0	A1	
50.1-54.0	A2, A3, A4, A5, F1, F2, F3, F4, F5.	
51.0-54.0	A0	
144.0-148.0	A1	
144.1-148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
220-225	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
420-450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5, 7
1215-1300	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
2300-2450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 8
(GHz)		
3.300-3.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 12
5.650-5.925	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 9
10.000-10.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
24.000-24.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 10
48.000-50.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
71.000-76.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
165.000-170.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
240.000-250.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
Above 300.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	

[1] See paragraph (b).

* * * * *

2. § 97.65, paragraph (d), (e) and (f) are revised to read as follows:

§ 97.65 Emission limitations.

* * * * *

(d) On frequencies below 50 MHz, the bandwidth of A4, A5, F4 and F5 emissions shall not exceed that of an A3 single sideband emission.

(e) On frequencies between 50 MHz and 225 MHz:

(1) The bandwidth of A4 and A5 single sideband emissions shall not exceed the bandwidth of an A3 single sideband emission.

(2) The bandwidth of A4 and A5 double sideband emissions shall not exceed the bandwidth of an A3 double sideband emission.

(3) F4 and F5 emissions shall utilize a peak carrier deviation no greater than 5 kHz and a maximum modulating frequency no greater than 3 kHz or, alternatively, shall occupy a bandwidth no greater than 20 kHz. (For this purpose the bandwidth is defined as the width of the frequency band, outside of which the mean power of any emission is attenuated by at least 26 decibels below the mean power level of the total emission. A 3 kHz sampling bandwidth is used by FCC in making this determination.)

(f) Below 225 MHz, an A3 emission may be used simultaneously with an A4 or A5 emission on the same carrier frequency, provided that the total bandwidth does not exceed that of an A3 double sideband emission.

[FR Doc. 82-1332 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 360

Noxious Weeds; Extension of Comment Period and Public Hearing

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Announcement of public hearing and reopening of comment period concerning proposed rule.

SUMMARY: This document announces a public hearing and reopening of the comment period on the proposal of October 2, 1981 (46 FR 48688–48692), to amend the noxious weed regulations by adding certain aquatic weeds, parasitic weeds, and terrestrial weeds to the list of noxious weeds.

DATES: Written comments must be received on or before February 18, 1982. A public hearing will be held on February 4, 1982.

ADDRESSES: Written comments should be submitted to Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning the proposed rule will be held in the Main Conference Room, Atlantic Oceanographic Meteorological Laboratories, 4301 Rickenbacker Causeway (Virginia Key), Miami, Florida.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8247.

Public Hearing

Pursuant to the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*), a document was published in the **Federal Register** on October 2, 1981 (46 FR 48688–48692), proposing to amend the noxious weed regulations in 7 CFR Part 360 by adding certain aquatic weeds, parasitic weeds, and terrestrial weeds to the list of noxious weeds. Section 10 of the Act (7 U.S.C. 2809) provides that a public hearing will be held concerning such a proposal if requested by any interested person. The document of October 2, 1981, provided that a hearing would be held if a request were received on or before November 2, 1981. Such a timely request was received and a hearing concerning the proposed rule has been scheduled for February 4, 1982, in the Main Conference Room, Atlantic Oceanographic Meteorological Laboratories, 4301 Rickenbacker Causeway (Virginia Key), Miami, Florida.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Any interested person may appear and be heard in person, by attorney, or by other representative.

The hearing will begin at 10 a.m. and is scheduled to end at 5 p.m., local time. However, the hearing may be terminated at any time after it begins if all of those persons desiring an opportunity to speak have been heard. Persons who wish to speak are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 a.m. to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to speak at the hearing will be afforded such opportunity after the registered persons have been heard. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard.

Reopening of Comment Period

The document of October 2, 1981, also provided that written comments had to be received on or before December 1, 1981. Since no determination concerning a final rule will be made until after the public hearing, it has been decided to reopen the comment period effective immediately. Further, it has been determined that the comment period should be extended for a period sufficient to allow responses to any statements that may be presented at the public hearing. Accordingly, interested persons are invited to submit written comments on or before February 18, 1982.

Done at Washington, D.C. this 15th day of January 1982.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-1320 Filed 1-19-82; 8:45 am]
BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Part 710

Proposed Changes in Criteria for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) proposes to amend 10 CFR Part 710, entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material." This Regulation was previously revised as of March 23, 1981, to correct nomenclature, to change the scope of its applicability, and to change the administrative review procedures. DOE is now proposing to amend Part 710 to simplify the criteria and to consolidate the two categories of the existing criteria into a single set of criteria.

DATES: Comments must be received on or before February 19, 1982.

ADDRESS: Written comments should be directed to Director, Office of Safeguards and Security, U.S. Department of Energy, Washington, D.C 20545, ATTN: Mr. Martin J. Dowd.

FOR FURTHER INFORMATION CONTACT: Martin J. Dowd, Director, Division of Security, Office of Safeguards and Security, U.S. Department of Energy, Washington, D.C. 20545 (301/353-3652). Christine Krithades, Office of General Counsel, U.S. Department of Energy, Room 6A-211, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202/252-8618).

SUPPLEMENTARY INFORMATION: The current criteria set forth specific types of derogatory information that create a question as to an individual's eligibility for DOE access authorization. These criteria are divided into two categories. Category "A" derogatory information is such that if there are sufficient grounds to establish a reasonable belief as to the truth of one or more of the items in this Category, these grounds shall be the basis for a recommendation by the DOE hearing officer for denying or revoking an individual's access authorization. Category "B" derogatory information is such that if there are sufficient grounds to establish a reasonable belief as to the truth of one or more of the items, the extent of activities falling within this category, the period in which such activities occurred, the length of time which has since elapsed, and the individual's attitudes and convictions shall be considered in determining whether the recommendation for denying or revoking an individual's access authorization will be adverse or favorable. Under the proposed rule, DOE is establishing a single set of criteria by which the DOE hearing officer will base his/her recommendation for an adverse or favorable determination of an individual's eligibility for DOE access authorization. The DOE hearing officer, under the proposed revision, will consider all the factors presently considered under Category "B."

Procedural Requirements

A. Section 501 of the DOE Organization Act

Under section 501(c) of the Department of Energy Organization Act, the Department is not bound by the prior hearing requirements of subsections (b), (c) and (d) with respect to a proposed Regulation upon our determination that no substantial issue of fact or law exists and that the proposed Regulation is unlikely to have substantial impact on the Nation's economy or large numbers of individuals and businesses. Where it is determined that no substantial issue or impact exists, the proposed Regulation may be promulgated in accordance with section 553 of Title 5 U.S.C. The revision of the criteria at 10 CFR Part 710 raises no substantial issues of fact or law, and will not have a substantial impact on the Nation's economy or large numbers of individuals and businesses.

B. Executive Order No. 12291.

It has been determined that this proposed amendment is not a proposed major rule subject to the requirements of the Executive Order No. 12291 (46 FR 13193, February 19, 1981) because it is not likely to result in an annual effect on the economy of more than $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601-612, DOE finds that sections 603 and 604 of the Act do not apply to the proposed amendment because promulgation of the rule will not have a significant economic impact on a substantial number of small entities.

Written Comments Procedure

You are invited to participate in this proceeding by submitting data, views, or arguments with respect to the matters contained in this proposed Regulation. Comments should be submitted by 4:30 p.m. est., on the date set forth in the "Dates" section of this proposed amendment, to the addressee indicated in the "Address" section of this proposed amendment and should be identified on the outside envelope and on the document with the docket number and designation: "10 CFR Part 710." It is requested that 15 copies of any written comment be provided, where possible in order to ensure expeditious consideration of the comments within DOE.

Any information or data submitted which you consider to be confidential and exempt from mandatory public disclosure under the Freedom of Information Act (5 U.S.C., as amended), must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and so treat it according to our determination.

Written comments will be available for public inspection and copying in the DOE's Division of Freedom of Information and Privacy Acts Activites, Room 1E-190, 1000 Independence Avenue, SW., Washington, D.C. 20585. The DOE will consider all timely comments before acting on the matter proposed in this Notice.

Dated at Washington, D.C., this 29th day of December 1981.

Herman E. Roser,

Assistant Secretary for Defense Programs.

In consideration of the foregoing, it is proposed to amend 10 CFR Part 710 as follows:

PART 710—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

1. Section 710.10 is amended by revising paragraph (d) to read as follows:

§ 710.10 Application of the criteria.

* * * * *

(d) In resolving a question concerning the eligibility or continued eligibility of an individual for access authorization, the DOE Hearing Officer shall consider the extent of activities, the period in which such activities occurred, the length of time which has since elapsed, and the attitudes and convictions of the individual in determining whether the recommendation will be adverse or favorable.

2. Section 710.11 is revised to read as follows:

§ 710.11 Criteria.

Derogatory information included, but not limited to, those cases in which the individual has:

(a) Committeed, prepared or attempted to commit, or aided, abetted or conspired with another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(b) Knowingly established or continued a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, espionage agent or representative of a foreign nation whose interests are inimical to the interests of the United States, or with any person advocating the use of force or violence to overthrow the Government of the United States by unconstitutional means.

(c) Knowingly held membership in or had a knowing affiliation with, or has taken action which evidences a sympathetic association with the intent of furthering the aims of, or adherence to, and active particiaption in any foreign or domestic organization, association, movement, group, or

combination of persons which advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or Laws of the United States or any State or subdivision thereof by unlawful means.

(d) Publicly or privately advocates, or participates in the activities of a group or organization, which has as its goal, revolution by force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means with the knowledge that it will further those goals.

(e) Parent(s), brother(s), sister(s), spouse, or offspring residing in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas thereof (to be evaluated in the light of the risk that pressure applied through such relatives could force the individual to act contrary to national security).

(f) Has deliberately misrepresented, falsified or omitted significant information from a Personnel Security Questionnaire, a personnel qualifications statement, or a personnel security interview.

(g) Has failed to protect classified information, or safeguard special nuclear material; or has willfully violated or disregarded security or safeguards regulations to a degree which would endanger the common defense and security or has intentionally disclosed classified information to a person unauthorized to receive such information.

(h) Has any illness or mental condition of a nature which in the opinion of competent medical authority causes, or may cause, significant defect in the judgment or reliability of the individual, or has refused to be examined by a psychiatrist.

(i) Has refused to testify before a Congressional Committee, Federal or State court, or Federal administrative body, regarding charges relevant to eligibility for DOE access authorization.

(j) Is a user of alcohol habitually to excess, or has been such without adequate evidence of rehabilitation or reformation.

(k) Has used, trafficked in, sold, transferred or possessed a drug or other substance listed in the schedule of Controlled Substances established pursuant to Section 202 of the Controlled Substances Act of 1970 (such as amphetamines, barbiturates, narcotics, etc.) except as prescribed or administered by a physician licensed to dispense drugs in the practice of medicine, without adequate evidence of rehabilitation or reformation.

(l) Has engaged in any unusual conduct or is subject to any circumstances which tend to show that the individual is not honest, reliable, or trustworthy, and there is no adequate evidence of rehabilitation or reformation; or which furnishes reason to believe that the individual may be subject to coercion, influence, or pressure which may cause the individual to act contrary to the best interests of the nationl security. Such conduct or circumstances include but are not limited to sexual activity, demonstrated financial irresponsibility or notoriously disgraceful conduct.

[FR Doc. 82-1307 Filed 1-19-82; 8:45 am]
BILLING CODE 6450-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Environmental Qualification of Electric Equipment for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations applicable to nuclear power plants to clarify and strengthen the criteria for environmental qualification of electric equipment. Specific qualification methods currently contained in national standards, regulatory guides, and certain NRC publications for equipment qualification have been given different interpretations and have not had the legal force of an agency regulation. The proposed rule would codify these environmental qualification methods and clarify the Commission's requirements in this area.

DATES: Comment period expires March 22, 1982. Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Written comments and suggestions may be mailed to the Secretary of the Commission, Attention: Docketing and Service Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or hand-delivered to the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., between the hours of 8:30 am. and 4:45 p.m. on normal work days.

FOR FURTHER INFORMATION CONTACT: Satish K. Aggarwal, Office of Nuclear Regulatory Research, Electrical Engineering Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443-5946.

SUPPLEMENTARY INFORMATION: Nuclear power plant equipment important to safety must be able to perform the safety functions throughout its installed life. This requirement is embodied in General Design Criteria 1, 2, 4, and 23 of Appendix A, "General Design Criteria for Nuclear Power Plants," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities"; in Criterion III, "Design Contol," and Criterion XI, "Test Control," of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR Part 50; and in 10 CFR 50.55a(h), which incorporates by reference IEEE 279-1971,[1] [2] "Criteria for Protection Systems for Nuclear Power Generating Stations." This requirement is applicable to equipment located inside as well as outside the containment.

The NRC has used a variety of methods to ensure that these general requirements are met for electric equipment important to safety. Prior to 1971, qualification was based on the fact that the electric components were of high industrial quality. For nuclear plants licensed to operate after 1971, qualification was judged on the basis of IEEE 323-1971. For plants whose Safety Evaluation Reports were issued since July 1, 1974, the Commission has used Regulatory Guide 1.89, "Qualification of Class IE Equipment for Light-Water-Cooled Nuclear Power Plants," which endorses IEEE 323-1974,[2] "IEEE Standard for Qualifying Class 1E Equipment for Nuclear Power Generating Stations," subject to supplementary provisions.

Currently, the Commission has underway a program to reevaluate the qualification of electric equipment important to safety in all operating nuclear power plants. As a part of this program, more definitive criteria for environmental qualification of electric equipment have been developed by the NRC. A document entitled "Guidelines for Evaluating Environmental Qualification of Class 1E Electrical Equipment in Operating Reactors" (DOI Guidelines) was issued in November 1979. In addition, the NRC has issued NUREG-0588, "Interim Staff Position or

[1] Incorporation by reference approved by the Director of the Office of Federal Register on Janua 1, 1981.

[2] Copies may be obtained form the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

Environmental Qualification of Safety-Related Electrical Equipment," which contains two sets of criteria: the first for plants originally reviewed in accordance with IEEE 323–1971 and the second for plants reviewed in accordance with IEEE 323–1974.

By its Memorandum and Order CLI–80–21 dated May 23, 1980, the Commission directed the staff to proceed with a rulemaking on environmental qualification of safety-grade equipment and to address the question of backfit. The Commission also directed that the DOR Guidelines and NUREG–0588 form the basis for the requirements licensees and applicants must meet until the rulemaking has been completed. This proposed rule is generally based on the requirements of the Division of Operating Reactors (DOR) Guidelines and NUREG–0588.

The Commission's Memorandum and Order CLI–80–21 directed that the environmental qualification of electric equipment in operating nuclear power plants be completed by June 30, 1982. However, on September 23, 1981, the Commission considered the petition (SECY–81–486) to extend this deadline. The proposed rule covers the same electric equipment as CLI–80–21 and implements SECY–81–486 by incorporating the extension dates recommended by the Chairman in his memorandum dated September 30, 1981. Included in the proposed rule is a requirement that each holder of or each applicant for a license to operate a nuclear power plant identify and qualify the electric equipment needed to complete one path of achieving and maintaining a cold shutdown condition. The Commission specifically requests comment on this proposed additional requirement.

The scope of the proposed rule does not include all electric equipment important to safety in its various gradations of importance. It includes that portion of equipment important to safety commonly referred to as "Class 1E" equipment in IEEE national standards and some additional non-Class 1E equipment and systems whose failure under extreme environmental conditions could prevent the satisfactory accomplishment of safety functions by accident-mitigating equipment.

Included in the proposed rule are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation. Qualification parameters include temperature, pressure, humidity, radiation, chemicals, and submergence. Qualification methods include (a) testing as the principal means of qualification and (b) anaylsis and operating experience in lieu of testing. The proposed rule would require that the qualification program include synergistic effects, aging, margins, radiation, and environmental conditions. Also, a record of qualification must be maintained. Regulatory Guide 1.89 is being revised to describe methods acceptable to the NRC for meeting the provisions of this proposed rule and to include a list of typical equipment covered by it; a draft of the proposed revision is being published for public comment concurrently with the proposed rule.

Also included in the proposed rule is a requirement, which is consistent with Commission Memorandum and Order, CLI–80–21, for submission of an analysis by licensees to ensure that the plant can be safely operated pending completion of the environmental qualification of electric equipment. The Commission expects that, for each of the currently operating power plants, this analysis and its evaluation by the NRC staff will be completed well in advance of the effective date of this rule. If the licensees of operating power plants fail to provide these analyses in a timely manner, the Commission expects the NRC staff to take the appropriate steps to require that the information be provided and to enforce compliance with this requirement. This requirement has been included in this proposed rule to provide a regulatory basis for enforcement.

NRC will generally not accept analysis in lieu of testing. Experience has shown that qualification of equipment without test data may not be adequate to demonstrate functional operability during design basis event conditions. Analysis may be acceptable if testing of the equipment is impractical because of size, or limitation due to the state of the art. The proposed rule takes into consideration the prior qualification history of the operating power plants. For example, the proposed rule recognizes that for those plants which are not committed to either IEEE 323–1971 or IEEE 323–1974 for equipment qualification, and have been tested only for high temperature pressure, and steam, some equipment may not need to be tested again to include other service conditions such as radiation and chemical sprays. The qualification of equipment for these service conditions may be established by analysis.

The proposed rule would require that each holder of an operating license provide a list of electric equipment previously qualified based on testing or analysis, or a combination thereof, and a list of equipment that has not been qualified. These lists and the schedule for completion of equipment, qualification would have to be submitted written 90 days after the effective date of this rule. However, this time period will be adjusted during the final rule making process to allow reasonable time for licensees to evaluate NRC's safety reviews that are currently underway.

The proposed rule will codify the Commission's current requirements for the environmental qualification of electric equipment. Upon publication of a final rule, the DOR guidelines and NUREG–0588 will be withdrawn.

The general requirements for seismic and dynamic qualification for electric equipment are contained in the General Design Criteria. Pending development of specific requirements in this area, the general requirements will continue to apply. NRC is considering expansion of the scope of this proposed rule to include additional electric equipment important to safety. This matter will be the subject of a future rulemaking.

Additional views of Commissioner Bradford: Commissioner Bradford believes that the proposed deadline (second refueling outage after March 31, 1982) for qualification is much too relaxed, given the fact that licensees and the NRC have been aware of the problems in this area since 1978. The proposed deadline extends as much as two and one-half years beyond the June 30, 1983 date by which the Atomic Industrial Forum concluded that nearly all electrical equipment could be qualified. Given the more generous deadline, he also believes that the rule should have contained requirements for seismic and dynamic qualification. While the general design criteria contain requirements in this area, clarification now would ensure that equipment to be replaced in the near term will not have to be ripped out in a few years because it was not properly seismically qualified.

Commissioner Gilinsky has agreed with these views.

Paperwork Reduction Act

The proposed rule contains recordkeeping requirements that are subject to review by the Office of Management and Budget (OMB). As required by Pub. L. 96–511, this proposed rule will be submitted to OMB for clearance of the recordkeeping requirements.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule, if promulgated, will not have a

significant economic impact on a substantial number of small entities. This proposed rule affects the method of qualification of electric equipment by utilities. Utilities do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632. In addition, utilities are required by Commission's Memorandum and Order CLI-80-21, dated May 23, 1980, to meet the requirements contained in the DOR "Guidelines for Evaluating Environmental Qualification of Class 1E Electric Equipment in Operating Reactors," (November 1979) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," which form the basis of this proposed rule. Consequently, this rule codifies existing requirements and imposes no new costs or obligations on utilities.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES.

1. The authority citation for 10 CFR Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under Sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under Sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under Sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For Purposes of Sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273), § 50.54(i) issued under Sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)), §§ 50.70, 50.71 and 50.78 issued under Sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the Laws referred to in Appendices.

2. A new § 50.49 is added to read as follows:

§ 50.49 Environmental qualification of electric equipment for nuclear power plants.

(a) Requirements for seismic and dynamic qualification of electric equipment are not included in this section.

(b) Each holder of or each applicant for a license to operate a nuclear power plant shall establish a program for qualifying the electric equipment as defined in paragraph (c) of this section.

(c) Electric equipment and systems covered by this section include electric equipment and systems that are essential to emergency reactor shutdown, containment isolation, reactor core cooling, and containment and reactor heat removal or that are otherwise essential in preventing significant release of radioactive material to the environment. Included is equipment (1) that performs the above functions automatically, (2) that is used by the operator to perform these functions manually, and (3) whose failure can prevent the satisfactory accomplishment of one or more of the above safety functions. Also included is equipment needed to complete one path of achieving and maintaining a cold shutdown condition.

(d) The applicant or licensee shall prepare a list of all electric equipment covered by this section and maintain it in an auditable form. This list of equipment must, as a minimum, include:

(1) The performance characteristics and structural integrity requirements under conditions existing during normal and abnormal operation and during design basis events and afterwards and the lengths of the periods during which the integrity must be maintained.

(2) The range of voltage, frequency, load, and other electrical characteristics for which the performance specified in accordance with paragraph (d)(1) of this section can be ensured.

(3) The environmental conditions, including temperature, pressure, humidity; radiation, chemicals, and submergence, and the predicted variations of these environmental conditions with time at the location where the equipment must perform as specified in accordance with paragraphs (d)(1) and (2) of this section.

(e) The electrical equipment qualification program must include the following:

(1) *Temperature and pressure.* The time-dependent temperature and pressure at the location of the equipment must be established for the most limiting of the applicable postulated accidents and must be used as the basis for the environmental qualification of electric equipment.

(2) *Humidity.* Time-dependent variations of relative humidity during normal operation and design basis events must be considered.

(3) *Chemical effects.* The composition of chemical used must be at least as severe as that resulting from the most limiting mode of plant operation (e.g., containment spray, emergency core cooling, or recirculation from containment sump). If the composition of the chemical spray can be affected by equipment malfunctions, the most severe chemical spray environment that results from a single failure in the spray system must be assumed.

(4) *Radiation.* The radiation environment must be based on the type of radiation and the dose and dose rate of the radiation environment expected during normal operation over the installed life of the equipment plus the radiation environment associated with the most severe design basis event during or following which the equipment is required to remain functional, including the radiation resulting from recirculating fluids for equipment located near the recirculating lines.

(5) *Aging.* Equipment qualified by test must, where practicable, be preconditioned by natural or artificial (accelerated) aging to its installed end-of-life condition. Electromechanical equipment must be operated to simulate the mechanical wear and electrical degradation expected during its installed life. Where preconditioning to a qualified life equal to the installed life is not possible, the equipment may be preconditioned to a shorter qualified life. The equipment must be replaced at the end of its qualified life unless ongoing qualification of prototype equipment naturally aged in plant service shows, by artificial aging and type testing, that the item has additional qualified life.

(6) *Submergence* (if subject to being submerged).

(7) *Synergistic effects.* The preconditioning and testing of equipment must consider known synergistic effects when these effects are known to have a significant effect on equipment performance.

(8) *Margins.* Margins must be applied to account for production variations and inaccuracies in test instruments. These margins are in addition to margins applied during the derivation of the environmental conditions.

(f) Each item of electric equipment must be qualified by one of the following methods:

(1) Testing an identical item of equipment.

(2) Testing a similar item of equipmen with a supporting analysis to show that the equipment to be qualified is acceptable.

(3) Experience with identical or similar equipment under similar conditions with a supporting analysis to show that the equipment to be qualified is acceptable.

(4) Analysis in lieu of testing in the following cases:

(i) If type testing is precluded by the physical size of the equipment or by the state of the art.

(ii) By analysis in combination with partial type test data which adequately supports the analytical assumptions and conclusions, if the equipment purchase order was executed prior to May 23, 1980.

(g) If an item of electric equipment is to be qualified by test—

(1) The acceptance criteria must be established prior to testing.

(2) The tests must be designed and conducted to demonstrate that the equipment can perform its required function as specified in accordance with paragraph (d)(1) of this section for all conditions as specified in accordance with paragraphs (d) (2) and (3) of this section. The test profile (e.g., pressure, temperature, radiation vs. time) must include margins as set forth in paragraph (e)(8) of this section.

(3) The test profile must be either (i) a single profile that envelops the environmental conditions resulting from any design basis event during any mode of plant operation (e.g., a profile that envelops the conditions producd by the postulated spectrum of main steamline break (MSLB) and loss-of-coolant accidents (LOCA)) or (ii) separate profiles for each type of event (e.g., separate profiles for the MSLB accidents and for LOCAs).

(4) The same piece of equipment must be used through out the complete test sequence under any given profile.

(h) Each holder of an operating license issued prior to (insert the effective date of this amendment) must, by (insert a date 90 days after the effective date of this amendment), identify the electric equipment already qualified to the provisions of this rule and submit a schedule for the testing or replacement of the remaining electric equipment. This schedule must establish a goal of final environmental qualification by the end of the second refueling outage after March 31, 1982. The Director of Nuclear Reactor Regulation may grant requests for extensions of this deadline to a date no later than November 30, 1985, for specific pieces of equipment if such requests are filed on a timely basis and demonstrate good cause for the extension, such as procurement lead time, test complications, and installation problems. In exceptional cases, the Commission itself may consider and grant extensions beyond November 30, 1985 for completion of environmental qualification.

(i) Each licensee shall notify the Commission of any significant equipment qualification problem that may require extension of the completion date within 30 days of its discovery.

(j) For the continued operation of a nuclear plant, each holder of an operating license issued prior to the effective date of this amendment shall perform an analysis to ensure that the plant can be safely operated pending completion of the environmental qualification. The detailed analysis for each equipment type with appropriate justification must be submitted to Director of Nuclear Reaction Regulation by (insert the effective date of the amendment) and must include, where appropriate, consideration of:

(1) Accomplishing the safety function by some designated alternative equipment that has been adequately qualified and satisfies the single-failure criterion if the principal equipment has not been demonstrated to be fully qualified.

(2) The validity of partial test data in support of the original qualification.

(3) Limited use of administrative controls over equipment that has not been demonstrated to be fully qualified.

(4) Completion of the safety function prior to exposure to the ensuing accident environment and the subsequent failure of the equipment does not degrade any safety function or mislead the operator.

(5) No significant degradation of any safety function or misleading of the operator as a result of failure of equipment under the accident environment.

(k) The applicant for an operating license that is granted on or after the effective date of this amendment, but prior to November 30, 1985, must perform an analysis to ensure that the plant can be safely operated pending completion of the environmental qualification in accordance with paragraph (j) of this section except that this analysis must be submitted to the Director of Nuclear Reactor Regulation for consideration prior to the granting of an operating license.

(l) A record of the qualification must be maintained in a central file to permit verification that each item of electric equipment covered by this section (1) is qualified for its application and (2) meets its specified performance requirements when it is subjected to the conditions predicted to be present when it must perform its safety function up to the end of its qualified life.

Dated at Washington, D.C. this 15th day of January, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-1369 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 50

Emergency Planning and Preparedness; Exercises

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the public comment period regarding clarification of the exercise requirements under the Commission's Emergency Planning and Preparedness regulations. Notice of this rulemaking was published in the **Federal Register** on December 15, 1981 (46 FR 61134) with a comment period closing date of January 14, 1982. The comment period is being extended in response to requests.

DATES: Comments must be received before January 28, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received before this date.

ADDRESSES: Comments on the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1121, 1717 H Street, NW., Washington, D.C., between 8:15 a.m. and 5:15 p.m. Copies of comments received may be examined and copied at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-443-5942).

Dated at Washington, D.C., this 13th day of January, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-1371 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the public comment period regarding the degree of emergency preparedness for production and utilization facilities. Notice of this rulemaking was published in the **Federal Register** on December 15, 1981 (46 FR 61132) with a comment period closing date of January 29, 1982. The comment period is being extended in response to requests.

DATES: Comments must be received before February 12, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received before this date.

ADDRESSES: Comments on the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1121, 1717 H Street, NW., Washington, D.C., between 8:15 a.m. and 5:15 p.m. Copies of comments received may be examined and copied at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301–443–5942).

Dated at Washington, D.C., this 13th day of January, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-1370 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 455

Grant Program for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy proposes to amend the regulations for administration of the grant program providing financial assistance for technical assistance and energy conservation measures for schools, hospitals, buildings owned by units of local government, and public care institutions. The amendments would allow the Department to include current statistical data, such as census and heating and cooling degree days information, in the formula allocating funds to the States. The present regulations permit the inclusion of data only from certain specified publications which no longer contain the most up-to-date information available.

DATES: Written comments must be received no later than February 19, 1982. A hearing will be held on February 2, 1982, in Washington, D.C. Requests to speak at the hearing must be received no later than 4:30 p.m., e.s.t. January 26, 1982.

ADDRESSES: Send all written comments and requests to speak at the hearing to Docket #CAS–RM–80–509, Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Room 1F085, Mail Stop 6B–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9319. The hearing will be held at 9:00 a.m. Department of Energy, 1000 Independence Avenue SW., Room GE086, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Nicholas Fedoruk, Office of Institutional Conservation Programs, Office of Conservation and Renewable Energy, Department of Energy, Mail Stop GA–045, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2339.

Edward H. Pulliam, Office of General Counsel, Department of Energy, Mail Stop 6G–094, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9510.

SUPPLEMENTARY INFORMATION:

I. Background

Parts 1 and 2 of Title III of the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371), established a program administered by the Department of Energy to fund technical assistance programs and energy conservation measure installations for certain types of public and private, nonprofit institutions. Regulations governing this program appear in the Code of Federal Regulations at 10 CFR 450 and 10 CFR 455. The most recent amendments of these regulations, which went into effect on October 1, 1981, were published at 46 FR 27862.

The Department of Energy (DOE) proposes in this notice to amend section 455.101 of the program regulations to allow DOE to include the latest available statistical data in the formula determining the amount of funds allocated to each State. The types of data concerned are census data, the average retail cost per million BTU's of energy consumed within the region in which a State is located, and the number of heating and cooling degree days in a State. Presently, the regulations are too inflexible because they require use of particular editions of government publication which are regularly updated. The amendment provides for use of the most recent data provided by the governmental publishers who are specified in the existing rule.

For example, the census data will be obtained from the most recent official data published by the Bureau of the Census of the United States Department of Commerce, which once every ten years publishes results of the decinnial census, and which in other years publishes annual census estimates in "Current Population Reports: Annual Estimates of the Population of States". Occasionally, the Bureau of the Census may revise its annual estimates. For example, it recently supplied revised estimates pursuant to Executive Order 12256 to take account of immigrants from Cuba and Haiti. The amendment proposed today is broadly worded so that DOE can use the latest available official census estimates.

It should be noted that this amendment will neither change the elements of the allocation formula, nor will it alter the relative weight given to each element in the formula.

The probable effect of these amendments will be to shift a small percentage of the program's funds from those States which lose population to those which gain population. The size of the shift could also be affected by other elements of the formula because the formula allocates more funds to those States with higher retail energy costs and to those with a greater number of heating and cooling degree days. Tables showing current data relevant to the funding formula are set forth below. Updated data to be used in the formula for future cycles will be published in the **Federal Register** with allocation notices for those funding cycles.

TABLE 1—OIL IMPORT PRICE: 37.00

Sector (fuel)	Demand region average price summary in 1979 dollar/million Btu's										
	Nw-Eng.	NY/NJ	Mid-Atl	S.-Atl	Mid-west	S. West	Cen-tral	N-Cntrl	West	N. West	Total
Residential	10.94	9.57	8.70	9.76	7.54	10.43	7.12	7.35	10.05	7.24	8.83
(Elect.)	24.39	25.10	16.93	13.80	16.37	20.32	17.70	16.78	18.63	7.28	16.95
(Dist.)	8.05	7.96	7.79	7.79	7.63	7.88	7.50	7.72	7.51	7.47	7.85
(LG)	7.48	7.60	7.95	7.95	7.51	7.50	7.46	7.64	7.52	7.52	7.62
(Coal)	2.70	2.26	1.92	2.75	1.99	2.73	1.71	1.33	2.87	1.87	1.83
(NG)	6.51	6.25	5.13	4.66	4.91	5.05	4.57	4.78	5.95	7.47	5.24
Commercial	10.01	10.39	9.30	8.86	7.88	9.47	6.94	6.99	11.17	6.68	8.94
(Elect.)	24.07	24.03	16.53	14.16	15.94	19.26	16.79	15.51	19.69	7.08	17.30
(Dist.)	7.39	7.47	7.51	7.53	7.24	7.39	7.18	7.22	6.97	6.97	7.37
(Resid.)	6.47	6.57	6.91	6.50	6.51	6.52	6.55	6.37	6.17	5.99	6.53
(LG)	7.48	7.60	7.95	7.95	7.51	7.50	7.46	7.64	7.52	7.52	7.62
(Coal)	2.70	2.26	1.92	2.75	1.09	2.73	1.71	1.33	2.87	1.87	1.83
(Asphalt)	6.76	6.75	6.75	6.73	6.66	6.69	6.64	6.68	6.28	6.28	6.63
(NG)	5.77	5.58	4.61	4.09	4.54	4.45	4.11	4.53	5.36	6.81	4.73
Raw Material[1]	7.23	7.01	6.71	6.32	6.89	6.88	6.21	6.73	6.58	6.88	6.76
(LG)	8.05	8.03	8.02	8.00	7.93	7.95	7.90	7.88	7.56	7.56	7.93
(Oil)	6.76	6.75	6.75	6.73	6.66	6.69	6.64	6.60	6.28	6.28	6.65
(NG)	5.13	4.82	4.14	3.60	4.18	4.12	3.72	4.00	4.94	6.06	4.15
Industrial[3]	9.41	7.02	5.49	5.98	5.28	5.47	6.02	5.12	7.92	4.41	5.78
(Elect.)	19.93	16.64	12.26	10.75	11.69	15.92	13.56	11.50	15.87	3.66	12.47
(Steam)	3.45	3.28	3.49	4.44	4.05	4.62	4.17	2.64	5.16	4.36	4.25
(Dist.)	7.39	7.45	7.62	7.62	7.23	7.37	7.17	7.27	6.97	6.97	7.40
(Resid.)	6.53	6.69	6.83	6.46	6.48	6.50	6.52	6.31	6.17	6.12	6.51
(LG)	7.21	7.31	7.53	7.55	7.32	7.26	7.29	7.41	7.25	7.25	7.36
(Coal)	2.70	2.26	1.92	2.75	1.99	2.73	1.71	1.33	2.87	1.87	2.32
(Met Coal[2])	3.43	3.04	2.75	3.19	3.07	3.70	3.21	4.22	5.33	5.69	3.08
(Feedstocks)	8.05	8.03	8.02	8.00	7.93	7.95	7.90	7.88	7.56	7.56	7.97
(Substitute Fuel Cap)	6.08	6.24	6.37	6.01	6.03	6.05	6.06	5.85	5.72	5.67	6.03
(Industrial Surcharge)	.92	1.39	2.20	2.38	1.83		2.32		.76		.87
Transportation	11.34	11.06	11.00	10.93	11.09	10.12	10.87	10.62	9.86	10.00	10.65
(Elect.)	26.66	22.54	14.76	12.68	14.03	17.97	15.89	14.13	17.97	5.56	16.08
(Dist.)	8.65	8.72	8.89	8.89	8.50	8.64	8.44	8.86	9.29	8.23	8.60
(Resid.)	6.53	6.69	6.83	6.46	6.48	6.58	6.62	6.31	6.17	6.12	6.42
(LG)	6.78	6.79	6.78	6.78	6.96	6.78	6.96	6.98	6.78	6.78	6.83
(Gasoline)	12.23	12.48	12.21	12.13	12.17	11.89	11.97	11.93	11.89	11.90	12.07
(Jet Fuel)	8.31	8.41	8.69	8.75	8.10	8.33	8.02	8.18	7.92	7.92	8.27
Average price	10.54	9.74	8.31	8.86	7.73	7.63	7.94	7.78	9.57	7.36	8.38

[1] Liquid gas in the raw material sector includes liquid gas feedstock.
[2] Met coal includes 70 percent premium Btu coal and 30 percent other bituminous low sulfur coal.
[3] Industrial sector here does not include refineries.
Source: Energy Information Administration. Administrator's annual report to Congress—1980.

TABLE 2

State	Population (in thousands)
Alabama	3,870
Alaska	400
Arizona	2,719
Arkansas	2,284
California	23,550
Colorado	2,882
Connecticut	3,097
Delaware	595
District of Columbia	636
Florida	9,675
Georgia	5,405
Hawaii	965
Idaho	944
Illinois	11,357
Indiana	5,461
Iowa	2,909
Kansas	2,356
Kentucky	3,643
Louisiana	4,200
Maine	1,124
Maryland	4,198
Massachusetts	5,729
Michigan	9,239
Minnesota	4,070
Mississippi	2,511
Missouri	4,907
Montana	784
Nebraska	1,565
Nevada	801
New Hampshire	919
New Jersey	7,350
New Mexico	1,296
New York	17,516
North Carolina	5,848
North Dakota	652
Ohio	10,772
Oklahoma	3,002
Oregon	2,618

TABLE 2—Continued

State	Population (in thousands)
Pennsylvania	11,829
Rhode Island	946
South Carolina	3,070
South Dakota	688
Tennessee	4,546
Texas	14,175
Utah	1,459
Vermont	511
Virginia	5,324
Washington	4,115
West Virginia	1,931
Wisconsin	4,695
Wyoming	469
American Samoa	31
Guam	114
Puerto Rico	3,186
Virgin Islands	96

Note 1: 1980 Population census, revised per Executive Order No. 12256, dated December 16, 1980.

TABLE 3

State	Heating degree days	Cooling degree days
Alabama	2,681	2,009
Alaska	12,012	8
Arizona	2,299	2,629
Arkansas	3,215	1,915
California	2,701	698
Colorado	7,033	341
Connecticut	6,117	524
Delaware	4,754	1,027
District of Columbia	4,779	1,015
Florida	700	3,364

TABLE 3—Continued

State	Heating degree days	Cooling degree days
Georgia	2,661	1,673
Hawaii	0	3,528
Idaho	6,901	430
Illinois	6,095	973
Indiana	5,736	983
Iowa	6,851	919
Kansas	4,901	1,586
Kentucky	4,408	1,274
Louisiana	1,700	2,644
Maine	8,033	228
Maryland	4,779	1,015
Massachusetts	6,266	466
Michigan	6,776	608
Minnesota	8,758	503
Mississippi	2,397	2,237
Missouri	5,053	1,368
Montana	8,235	259
Nebraska	6,343	1,150
Nevada	4,352	1,528
New Hampshire	7,550	304
New Jersey	5,404	793
New Mexico	4,712	943
New York	5,926	666
North Carolina	3,361	1,458
North Dakota	9,492	459
Ohio	5,809	813
Oklahoma	3,518	2,030
Oregon	5,224	200
Pennsylvania	5,757	729
Rhode Island	5,909	452
South Carolina	2,660	1,890
South Dakota	7,661	862
Tennessee	3,804	1,473
Texas	2,026	2,680
Utah	6,572	643
Vermont	7,900	300
Virginia	4,290	1,106
Washington	5,732	172
West Virginia	5,102	860

TABLE 3—Continued

State	Heating degree days	Cooling degree days
Wisconsin	7,578	560
Wyoming	7,917	331
American Samoa	0	5,325
Guam	0	5,011
Puerto Rico	0	4,907
Virgin Islands	5,427	

Note 1: Heating degree days determined from National Oceanic and Atmospheric Administration data from "State, Regional, and National Monthly and Seasonal Heating Degree Days, Weighted by Population" for the period July 1931 through June 1980.

Note 2: Cooling degree days determined from National Oceanic and Atmospheric Administration data from "State, Regional, and National Monthly and Seasonal Cooling Degree Days, Weighted by Population" for the period January 1931 through December 1979.

Note 3: Updated data for Alaska, American Samoa, Guam, Puerto Rico and the Virgin Islands is not available. Input to the funding formula remains the same as published in the April 17, 1979 FEDERAL REGISTER.

Note: 4 District of Columbia data is the same as that used for Maryland, per NOAA.

TABLE 4

State	0.07/n+0.1(Sfc)/ Nfc+0.83(SP)(SC)/ (NPC)=Allocation Factor			
Alabama	0.0013	0.0019	0.0113	0.0145
Alaska	.0013	.0016	.0030	.0058
Arizona	.0013	.0020	.0083	.0116
Arkansas	.0013	.0016	.0073	.0102
California	.0013	.0020	.0498	.0531
Colorado	.0013	.0016	.0132	.0161
Connecticut	.0013	.0022	.0128	.0163
Delaware	.0013	.0018	.0021	.0052
District of Columbia	.0013	.0018	.0023	.0053
Florida	.0013	.0019	.0245	.0276
Georgia	.0013	.0019	.0153	.0184
Hawaii	.0013	.0020	.0021	.0054
Idaho	.0013	.0016	.0043	.0071
Illinois	.0013	.0016	.0500	.0529
Indiana	.0013	.0016	.0228	.0258
Iowa	.0013	.0017	.0141	.0170
Kansas	.0013	.0017	.0095	.0125
Kentucky	.0013	.0019	.0129	.0160
Louisiana	.0013	.0016	.0114	.0142
Maine	.0013	.0022	.0058	.0093
Maryland	.0013	.0018	.0151	.0182
Massachusetts	.0013	.0022	.0240	.0275
Michigan	.0013	.0016	.0425	.0454
Minnesota	.0013	.0016	.0235	.0264
Mississippi	.0013	.0019	.0072	.0104
Missouri	.0013	.0017	.0196	.0226
Montana	.0013	.0016	.0041	.0071
Nebraska	.0013	.0017	.0073	.0103
Nevada	.0013	.0020	.0029	.0062
New Hampshire	.0013	.0022	.0045	.0080
New Jersey	.0013	.0021	.0284	.0317
New Mexico	.0013	.0016	.0046	.0074
New York	.0013	.0021	.0719	.0752
North Carolina	.0013	.0019	.0175	.0297
North Dakota	.0013	.0016	.0040	.0070
Ohio	.0013	.0016	.0444	.0473
Oklahoma	.0013	.0016	.0104	.0133
Oregon	.0013	.0016	.0088	.0117
Pennsylvania	.0013	.0018	.0478	.0508
Rhode Island	.0013	.0022	.0037	.0072
South Carolina	.0013	.0019	.0087	.0118
South Dakota	.0013	.0016	.0037	.0066
Tennessee	.0013	.0019	.0149	.0181
Texas	.0013	.0016	.0415	.0444
Utah	.0013	.0016	.0066	.0095
Vermont	.0013	.0022	.0026	.0061
Virginia	.0013	.0018	.0179	.0209
Washington	.0013	.0016	.0151	.0180
West Virginia	.0013	.0018	.0072	.0102
Wisconsin	.0013	.0016	.0238	.0267
Wyoming	.0013	.0016	.0024	.0053
American Samoa	.0013	.0020	.0001	.0034
Guam	.0013	.0020	.0004	.0037
Puerto Rico	.0013	.0021	.0097	.0131
Virgin Islands	.0013	.0021	.0003	.0037
U.S. total	.0715	1.000	.8299	1.0002

II. Comment Procedures

A. Written Comments. Interested persons are invited to submit written comments with respect to the proposed regulation to Docket #CAS–RM–80–509, Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Mail Stop 6B–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments and related information must be received on or before February 19, 1982 to ensure consideration.

All information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, or it will not be treated as confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Public Hearing. A public hearing will be held at 9:00 a.m. est., on February 2, 1982, at Washington, D.C. to receive oral presentations. Any person who has an interest in the proposed regulations or who is a representative of a group or class or persons which has an interest in it may make a written request for an opportunity to make an oral presentation. The person making the request should describe his or her interest in the proceeding and provide a concise summary of the proposed oral presentation and a phone number where he or she may be reached. Each person who, in DOE's judgment, proposes to present relevant material and information shall be selected to be heard and shall be notified by DOE of their participation before 4:30 p.m., local time on January 26, 1982 for the hearing and shall bring 15 copies of their proposed statement to the hearing.

C. Conduct of Hearing. DOE reserves the right to arrange the schedule of presentations to be heard and to establish the procedures governing the conduct of the hearing. The length of presentations may be limited, based on the number of persons requesting to be heard. A DOE official will be designated as presiding officer of the hearing, and questions may be asked only by those conducting the hearing. There will be no cross-examination of persons presenting statements. Any participant who wishes to ask a question at the hearing may submit the question in writing to the presiding officer, who will determine whether the questions are relevant and material and whether time limitations permit a response.

Any further procedureal rules needed for the proper conduct of the hearing will be announced by the presiding officer.

D. Transcript of Hearing. A transcript of each hearing will be made, retained by DOE, and available for inspection at the DOE Freedom of Information Reading Room, 1E, 190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 between 8:00 a.m. and 4:30 p.m., Monday through Friday. A copy of the transcript may be purchased from the reporter.

III. Additional Information

Executive Order 12291

The Department of Energy has determined that this rule is not a major rule under Executive Order 12291 because it will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of Unites States-based enterprises to compete with foreign-based enterprises in domestic or expert markets.

The rule was submitted to the Director of the Office of Management and Budget pursuant to Executive Order 12291. The Director has concluded his review under that executive order.

Regulator Flexibility Act Analysis

The probable effect of these amendments will be to shift a small percentage of the program's funds from those States which lose population to those which gain population. The size of the shift could also be affected by other elements of the formula because the formula allocates more funds to those States with higher retail energy costs and to those with greater number of heating and cooling degree days. This shift will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164 (5 U.S.C. 601).

As the program is designed, funds are not distributed primarily to small institutions but are distributed to institutions regardless of size in a competition among eligible institutions throughout a State. A shift of a small percentage of the program funds from one State to another does not mean that

small entities are more or less likely to gain or to lose funds since their chances of being funded should not be significantly different in one State rather than another.

Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321), DOE published a Notice of Availability of an environmental assessment (EA) of the entire Title III of NECPA on March 12, 1979, in the **Federal Register** (44 FR 13554). Based on this EA, DOE determined that the NECPA Title III program did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and that an environmental impact statement (EIS) was not needed to support the action.

DOE has reviewed the environmental impacts of the amendments proposed herein. It is DOE's judgment that no new or additional environmental impacts are associated with the new amendments and that they do not require the addition of any mitigating measures beyond those already contained in the program.

It is thus DOE's determination that the environmental impacts of the amendments have been adequately analyzed in the March, 1979 EA and that these impacts are not significant. Hence no additional EA or EIS is required.

Catalog of Federal Domestic Assistance Program Number

The Catalog of Federal Domestic Assistance program number and title is "81.052, Energy Conservation Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions."

In consideration of the foregoing, DOE proposes to amend § 455.101, Part 455, Chapter II, Title 10 of the Code of Federal Regulations as set forth below:

Issued in Washington, D.C., January 12, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

(Title III, National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3238 (42 U.S.C. 6371) and Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101).

PART 455—GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

For the reasons set forth in the preamble, Subpart I, of Part 455; of Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below:

Section 455.101(c) is revised to read as follows:

§ 455.101 Allocation formulas.

* * * * *

(c) The allocation factor (K) shall be determined by the formula

$$K = \frac{0.07}{n} + 0.1\frac{(Sfc)}{(Nfc)} + 0.83\frac{(SP)(SC)}{(NPC)}$$

where, as determined by DOE—

(1) Sfc is the projected average retail cost per million BTU's of energy consumed within the region in which the State is located, as published in the current edition of Volume 3 of the Energy Information Administration's Annual Report to Congress.

(2) Nfc is the summation of the Sfc numerators for all States;

(3) n is the total number of eligible States;

(4) SP is the population of the State, as contained in the most recent Bureau of the Census, Department of Commerce, official census documents;

(5) SC is the sum of the State's heating and cooling degree days, as contained in the National Oceanic and Atmospheric Administration's most recent editions of "State, Regional and National Monthly and Seasonal Heating Degree Days, Weighted by Population" and "State, Regional, and National and Seasonal Cooling Degree Days, Weighted by Population";

(6) NPC is the summation of the (SP) (SC) numerators for all States.

[FR Doc. 82-1256 Filed 1-19-82; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Texas-18)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Cleveland Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on February 12, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 28, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: January 13, 1982.

I. Background

On December 7, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Cleveland Formation located in the northeast Texas Panhandle (Railroad Commission District 10) be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Cleveland Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Cleveland Formation encountered in all of Lipscomb, Ochiltree and Hansford Counties, virtually all of Hemphill County, approximately the northern halves of Hutchinson and Roberts Counties, and approximately the northeast quarter of Wheeler County, be designated as a tight formation.

The Cleveland Formation is a continuous geologic formation within the study area and is a fine grained, well

sorted and tightly packed, quiet water marine shelf sandstone. It is the basal formation in the Kansas City Group and overlies the Marmaton Group. Structurally, the Cleveland Formation is an east to southeast dipping homocline, with tops near 2,500 feet subsea to the west in Hansford County and near 9,700 feet subsea in Wheeler County to the southeast. A thickness of 154 feet is attained by the Cleveland Formation in a type log from the Diamond Shamrock Corporation No. 1 J.A. Little well in Lipscomb County, Texas.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the Cleveland Formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Cleveland Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 12, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Texas-18), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be availalbe for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 28, 1982.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(83) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendations.

* * * * *

(64) Through (82) [Reserved].

(83) *Cleveland Formation in Texas.* RM79-76 (Texas-18).

(i) *Delineation of formation.* The Cleveland Formation is found in the northeast Texas Panhandle and consists of all of Lipscomb, Ochiltree and Hansford Counties, virtually all of Hemphill County, approximately the northern halves of Hutchinson and Roberts Counties, and approximately the northeast quarter of Wheeler County, Texas.

(ii) *Depth.* The top of the Cleveland Formation is located near 2500 feet, subsea, to the west in Hansford County, Texas, and near 9700 feet, subsea, in Wheeler County, Texas, to the southeast. The Cleveland Formation is approximately 154 feet thick as demonstrated in a type log from the Diamond Shamrock Corporation No. 1 J.A. Little Well in Lipscomb County, Texas.

[FR Doc. 82-1351 Filde 1-19-82; 8:45 am]
BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76 (Texas—10 Addition)]

High-Cost Gas Produced from Tight Formations; Edwards Limestone Formation; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Edwards Limestone Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on February 12, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 28, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: January 13, 1982.

I. Background

On December 1, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Edwards Limestone Formation located in the Giddings (Edwards Gas) Field in Fayette County, Texas be designated as a tight formation. The Commission previously adopted a recommendation that the Edwards Limestone Formation in De Witt, Karnes, and Lavaca Counties, Texas be designated as a tight formation (Docket No. RM79–76 (Texas—10), Order No. 161 issued June 23, 1981). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby isssued to determine whether Texas' recommendation that the Edwards Limestone Formation in the Giddings (Edwards Gas) Field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Edwards Limestone Formation in the Giddings (Edwards Gas) Field encountered in east central Texas in a portion of Fayette County, Texas, in Railroad Commission District 3, be designated as a tight formation.

The area recommended for designation is located immediately noth to northeast of La Grange, Texas and contains approximately 35,700 acres. It includes all of the following 21 surveys: A. E. Baker A–8, R. G. Baugh A–12, S. P. Brown A–22, Wm. Burnham A–142, W. H. Carson A–28, J. H. Cartwright A–29, S. Darling A–161, N. W. Eastland A–173, W. M. Eastland A–172, Fayette Co. Sch. Land A–183, Jas. Green A–189, Jas. Green A–190, Franklin Lewis A–64, J. P. Longley A–230, Wm. Nabors A–251, J. R. Phillips A–83, W. J. Russell A–89, John Vanderworth A–312, Ben White A–325, J. G. Wilkinson A–108 and W. J. Williamson A–113.

The Edwards Limestone Formation is a limestone formation that was deposited as part of the Comanchean Series during Lower Cretaceous time. It underlies formations of the Washita Group and overlies formations of the Trinity Group.

The Edwards Limestone Formation outcrops over much of the Edwards Plateau in the Texas Hill Country and is found in the subsurface from southern Mexico near Tampico through most of the U.S. Gulf coastal states. In the area of this recommendation, the formation is an east to southeast dipping homocline with the top varying from −10,000 feet subsea in the west to −11,600 feet subsea in the east.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production for the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the Edwards Limestone Formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Edwards Limestone Formation in the Giddings (Edwards Gas) Field as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 12, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Texas—10 Addition) and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public heairng. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 28, 1982.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3432))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H. Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d)(48) is revised to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(48) *Edwards Limestone Formation in Texas. RM79–76 (Texas–10)*—(i) *Six Fields in De Witt, Karnes and Lavaca Counties*—(A) *Delineation of Formation.* The Edwards Limestone Formation is encountered in the following named fields. These fields are found along the gulf coast in the southeastern part of Texas in De Witt, Karnes, and Lavaca Counties, Railroad Commission District 2.

De Witt County: Yoakum (Edwards) Field
Karnes County: Kenedy, East (Edwards) Field
Lavaca County: Sweethome (Edwards) Field
Lavaca County: Word (Edwards) Field
Lavaca County: Word, North (Edwards) Field
Lavaca County: Yoakum (Edwards) Field

(B) *Depth.* The top of the Edwards Limestone Formation, in the west, is at approximately 13,460 feet and the base is undetermined. In the east, the top of the formation is at an approximate depth of 13,150 feet and the base is at 14,500 feet resulting in a thickness of approximately 1,350 feet.

(ii) *Giddings (Edwards Gas) Field*—(A) *Delineation of Formation.* Edwards Limestone Formation in the Giddings (Edwards Gas) Field is found in a portion of Fayette County, Texas, Railroad Commission District 3. It is

located immediately north to northeast of La Grange, Texas, and contains approximately 35,700 acres. It includes all of the following 21 surveys: A. E. Baker A–8, R. G. Baugh A–12, S. P. Brown A–22, Wm. Burnham A–142, W. H. Carson A–28, J. H. Cartwright A–29, S. Darling A–161, N. W. Eastland A–173, W. M. Eastland A–172, Fayette Co. Sch. Land A–183, Jas. Green A–189, Jas. Green A–190, Franklin Lewis A–64, J. P. Longley, A–230, Wm. Nabors A–251, J. R. Phillips A–83, W. J. Russell A–89, John Vanderworth A–312, Ben White A–325, J. G. Wilkinson A–108 and W. J. Williamson A–113.

(B) *Depth.* The top of the Edwards Limestone Formation is present at depths ranging from −10,100 feet subsea in the west to −11,600 feet subsea in the east.

[FR Doc. 82–1352 Filed 1–19–82; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Ch. II

National Forest Timber Sales; New Timber Sale Procedures

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: This proposal would revise agency procedures relating to new timber sales. The primary purposes of the new procedures are to encourage a regular flow into the market place of products manufactured from National Forest timber, to provide a corresponding flow of timber sale receipts to the United States and local governments, to help ensure financial responsibility of bidders, to encourage purchasers of Forest Service timber sales to harvest timber early in the contract term, and to reduce the need for future extensions of timber contracts.

Federal Regulations at 36 CFR Part 223 set forth rules and regulations for sale and disposal of timber from National Forests. Timber sale policies and procedures stated in Forest Service Manual 2400 implement those rules and regulations. The revised procedures here proposed will not impact on nor affect the quality of the human environment, do not involve environmental amenities and values, nor do they involve alternative uses of available resources. Therefore, the proposed revisions to timber sale contract procedures here described are outside the requirements of the National Environmental Policy Act (Forest Service Manual 1951.2 (46 FR 56998, November 19, 1981)).

DATES: Comments must be received by March 8, 1982.

ADDRESSES: Send written comments to: R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Emil M. Sabol, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 447–4051.

All written submissions made pursuant to this notice will be available for public inspection during regular business hours in: Director, Timber Management Staff, South Agriculture Building, Room 3207, 12th and Independence Avenue, SW., Washington, DC.

SUPPLEMENTARY INFORMATION: America's housing market serves as the source of the primary demand for softwood products—chiefly lumber and plywood. Major producing areas in this country are the Pacific Coast, the Intermountain West, and the Southeastern United States. Canada is also a major producer of wood products for American housing. In the last 20 years annual housing starts have varied between 1.1 million and 2.4 million. Softwood lumber and plywood prices have declined during each low point of the market. Producers have reduced output or shutdown operations. Past cycles were of short duration and the marginal producers were usually able to recover and resume production.

The current downturn in housing starts has been much deeper and of longer duration. Hundreds of mills are closed or are on reduced production schedules. Many western producers are dependent in whole or in part on National Forests as their source of timber supply. For many years the Forest Service has been selling timber to individuals or companies who convert the standing timber to logs and then into lumber or plywood. Each sale transaction begins with an advertised timber offering at an appraised fair market value. Prospective purchasers may bid with the high bid being the winner. Timber sales vary in value from a few thousand dollars to several million dollars. Each sale is formalized by execution of a contract between the purchaser and the Forest Service. The contract details the explicit terms and provisions of the sale including volume, price, period of removal, and requirements for road construction (if required), logging, and environmental protection measures to be taken. The average contract period is about 3 years. Many sales are 1 or 2 year contracts, and a few are for as long as 7 or 8 years duration. Average sale length in the West is about 3 and ½ years.

Intense competition in some geographic areas for Forest Service sales in recent years has caused bid prices to exceed by two or three times the advertised stumpage rates. For example, there is currently 11.266 billion board feet of timber under contract on National Forests in western Oregon and Washington at an average price of $295 per thousand board feet log scale.

In the face of low demand, decreased product prices and severe competition from Canadian lumber, many purchasers have been unable to operate the sale contracts. In a normal situation an uncompleted sale contract would go into default. The purchaser would be liable for the difference between the contract price and the resale price of the defaulted timber. The spectre of a large number of potential defaults followed by bankruptcies with all of the consequent disruptive effects to employment and the economy in forested regions of the country caused the Forest Service in October 1981 to permit, upon request, extensions of existing timber sale contracts even though specified conditions for extension had not been met.

Many purchasers on the Pacific Coast would be more competitive in the domestic lumber and plywood market if their stumpage costs were closer to the originally appraised price of sales now under contract. There are a number of reasons why prices bid for public timber, especially on the Pacific Coast, are high. Two principal causes have been a combination of the purchaser's expectations of a high level of housing starts (strong demand) and an expectation of continued high inflation rates (high price). These expectations caused some purchasers to bid extremely high rates for longer term sales of 4, 5, or 6 years. This timber is not economical for harvest now. The consequences have been numerous: mill closings, high unemployment, potential bankruptcies and a significant reduction in stumpage receipts to the Federal and County Governments. Many western counties depend heavily on their 25 percent payment of receipts for operation of schools and roads.

Current Forest Service bidding and contracting procedures have been geared to former modest levels of bidding competition. They do not offer the necessary economic incentives for prompt and orderly harvest of timber under market conditions that have existed during the past few years. Current and expected conditions make it necessary to alter these procedures. In

October, the Forest Service developed objectives, criteria, and a list of possible changes to contract procedures. This information has been made available to timber purchasers, County and State officials, and other interested individuals. Meetings and work sessions have been held. In December, Forest Service Chief Peterson sent three of his timber staff West personally to confer with timber purchasers, County and State officials, and others in four States. Approximately 450 producers plus State and County officials were contacted.

Criteria used to judge the effectiveness of the changes now being proposed are: Will the changes tend to temper extreme bid levels for future sales? Is the change consistent with practices already being used by other sellers of timber? Will the new practice help to provide a more even flow of receipts to the Federal Treasury and to County Governments? Is the action reasonably equitable to a wide spectrum of National Forest timber purchasers? Will the actions aid the orderly production of forest products to the benefit of American consumers?

It is anticipated that the changes will result in a reduction in prices bid for National Forest timber in highly competitive areas, principally along the Pacific Coast. At the same time, however, actual revenues from the harvest of this timber are expected both to stabilize and to be received earlier because timber will be economical for operation over more of the business cycle. The ability to compete with imported wood products will be enhanced.

Numerous suggestions for modifying timber sale policies other than those here being formally proposed have been considered, among them being (1) not to award slaes to purchasers who already have excessive timber volume under contract, (2) requiring that bidding be on a present net worth value on timber sales in highly competitive areas, (3) discontinuing the sometime use of performance bonds as payment guarantees, (4) imposing rigid harvest or payment schedules through the term of the contract, (5) requiring advance cash payments in considerably larger amounts, (6) the development of a market related contract term adjustment provision, (7) discontinuing the use of stumpage rate adjustment sales, (8) disqualifying defaulters, whose obligation is not being contested and who have not paid their obligation, from bidding on National Forest timber sales, and (9) maintaining the present policies without change.

In addition to the proposed changes in timber sale procedures, positive measures to reduce the averge length of contract terms by reducing the average amount of volume subject to individual sales will be taken by Regional Foresters. Efforts will be made to offer sales of varying volumes and length of term, however. Regional Foresters will issue guidelines to accomplish these objectives, including monitoring sale size and length.

We believe that the policy changes here being proposed for new sales will accomplish the necessary objectives, and that other measures and requirements are not necessary at this time. The Forest Service will continue to monitor the timber sale program to determine the effects of whatever new procedures ultimately are implemented. Conditions will be evaluated as of April 1, 1983, and April 1, 1984, to determine the effectiveness of such new procedures. If additional policy changes are needed in the future to meet the objectives stated in the summary of this notice, other procedures will be developed and announced for public comment. Future consideration will be given to (1) increasing the cash deposit required at time of contract award, (2) increasing the percentage of payment required at contract midpoint, (3) holding some cash until final harvest, and (4) adoption of a market related contract term adjustment provision.

The following numbered items describe the specific changes now being proposed:

1. The basis for calculating the amount of the bid guarantee required of prospective bidders on a Forest Service timber sale contract shall be 5 percent of the advertised value of the contract.

Explanation

Current policy is for the bid guarantee to equal the advertised value of 1 month's cut. Thus, the total advertised value is divided by the total number of normal operating months in the sale contract. The current method of calculating the bid guarantee, therefore, requires a greater proportionate share of the advertised value as a bid guarantee for shorter term sales than for longer term sales.

The proposal will make the percentage of bid guarantee to advertised value equal for all sales (FSM 2431.5).

2. The high bidder will be required, as a condition of being awarded the sale, to replace the bid guarantee with cash in the amount of 5 percent of the bid price within 10 business days after bid date. A performenace bond must still be provided before the contract is consummated. The cash deposit may be used in payment for the first timber removed from the sale after all purchaser credit to be earned on the sale has been earned and utilized or, if no purchaser credit is provided for, after 25 percent of the advertised volume is presented for scaling. Purchaser credit earned on the sale may be transferred to and utilized on another sale or sales on the same National Forest held by the purchaser. Purchaser credit earned on another sale may not, however, be used in lieu of the cash deposit.

Explanation

Currently, the bid guarantee is replaced by a performance bond at time of contract signing with no cash deposit being required. During the summer of 1980, the policy of replacing the bid guarantee with cash or securities was dropped. Consideration has now been given to suggestions for cash deposits in varying percentages of appraised or bid rates, and to the time and manner in which cash deposits could be used for payment of timber. The proposal here presented is the result of that consideration (FSM 2431.7)

3. The maximum performance bond to be required on a Forest Service timber sale contract will be $500,000.

Explanation

The present maximum performance bond is $200,000. The increased maximum is needed to protect the Government from possible damages arising from nonperformance. Higher timber prices make the increase desirable. Review of this issue included consideration of a range of different maximum bond amounts, including retaining the present maximum amount (FSM 2432.4).

4. To qualify as a bidder of National Forest timber sales, proof of ability to furnish a performance bond or other performance guarantee will be required for sales of more than $10,000 of advertised value. Regional Foresters may include this requirement for sales less than $10,000, if they deem it to be necessary for adequate protection of the Government's interests.

Explanation

Present policy requires the successful bidder to furnish a performance bond or other performance instrument at time of signing the contract, rather than at time of bidding. This practice has allowed bidders who may not be able to furnish a performance guarantee to participate in the bidding process, and to influence the final price. It also has delayed operations of sales when the high bidder cannot meet the contract requirements for performance guarantee, and has

sometimes resulted in readvertising of the timber sale, all to the expense and inconvenience of the Government and other bidders (FSM 2432.5).

5. Purchasers who have defaulted a National Forest timber sale must reestablish financial and performance qualifications prior to bidding on National Forest timber sales. The bidder will have to submit a satisfactory showing of financial ability and a showing that the bidder has, or can obtain, equipment and supplies suitable for logging the timber and for meeting the resource protection provisions of the contract.

Explanation

Currently, a firm or individual who defaults on a timber sale may immediately bid on subsequent sales. A substantial risk occurs in such instances of a disruption of the orderly marketing of timber. Such action may put other bidders at a disadvantage.

This procedure will require purchasers who have defaulted contract requirements on prior National Forest timber sales to demonstrate that they are able to fulfill the terms of the contract being bid upon (FSM 2431.5).

6. By the end of the normal operating season following the midpoint of any sale term of more than 3 years duration, the purchaser shall have paid the greater of either (1) 50 percent of the bid premium, calculated as of the date the sale was awarded, or (2) 25 percent of the anticipated contract price, calculated as of the date the sale was awarded. Purchaser credit from the sale, or from another sale or other sales on the same National Forest, may be used to meet this obligation.

Explanation

Various methods of payment schedules or other incentive systems were considered to provide orderly harvest while providing flexibility for the purchaser to meet market demands. Proposals considered were: Charging interest on the unpaid balance, present net worth bidding with payment schedule submitted by the purchaser at time of bid, and other fixed payment schedules during the life of sale (FSM 2451.4).

7. Timber sales for a term of more than 2 years will require monthly deposits during the final operating season. Each monthly deposit will be equal to the value of timber not paid for at the beginning of the final normal operating season divided by the number of months in the normal operating season. Only if all purchaser credit to be earned on the sale has been earned and utilized may purchase credit from another or other sales on the same National Forest be used to meet this obligation. Regional Foresters will have discretion to apply the requirement for monthly deposits to sales of 2 years or less, if, in their judgment, extreme levels of bidding are being experienced on a particular Forest.

Explanation

This proposal would provide incentive to the purchaser for diligent performance of the sale's requirements (FSM 2451.4).

8. For timber presented for scaling prior to the last year of the sale term, payment rates will be reduced by a factor based on the average rate being paid for borrowings by the United States (as calculated and published by the U.S. Treasury Department in TFRM 6–8020–20). This rate will be specified in the sale advertisement and will remain constant throughout the sale term. For timber presented for scaling during the last 12 months prior to sale termination date, no discount would be earned. For timber presented for scaling in the period 12 to 24 months prior to termination date the rate of payment will be reduced by a factor that is 50 percent of the annual interest rate for U.S. borrowings specified as described above; for timber presented for scaling in the period 24 to 36 months prior to termination date, the price will be reduced by a factor that is 150 percent of the annual interest of U.S. borrowings specified as described above; for timber presented for scaling in the period 36 to 48 months prior to the termination date, the rate of payment will be reduced by a factor that is 250 percent of the annual interest rate paid on U.S. borrowings specified as described above; a progressing schedule of reductions would be established for sales of longer term. However, in no case shall the rate of payment for flat rate sales be reduced below the advertised rates. In no case shall the rate of payment for stumpage rate adjustment sales be reduced below the advertised rates as adjusted to the current quarter by the market indices specified in the timber sale contract.

Explanation

Use of an incentive for early timber removal will encourage purchasers to harvest a sale as soon as possible and not delay for possible improvements in market conditions. The incentive will be equitable to the United States because it will be equivalent to the amount the Government would have had to pay to borrow the money (FSM 2451.4).

9. Stumpage rate adjustment shall be provided for in all National Forest timber sale contracts in western Oregon and Washington awarded after March 31, 1985.

Explanation

Stumpage rate adjustment is in effect in all areas in the western United States except for western Oregon and western Washington. Stumpage rate adjustment permits the price paid for National Forest timber to fluctuate, within stated limits, in response to established market indices. Stumpage rate adjustment allows prices paid for timber to be partially responsive to market conditions and promotes stability of production and employment by encouraging operation during the down portion of cycles in the market.

The delay in implementation will permit a suitable index to be developed and tested, and will presumably avoid imposing stumpage rate adjustment provisions at the bottom of the market (FSM 2451.3).

10. Contract term extensions obtainable under timber sale contracts hereafter awarded shall, in addition to prerequisites now provided for, require agreement by the purchaser (1) to pay in cash an amount equal to any costs caused by delay of harvest, including interest at the current rate being paid for borrowings by the United States (as calculated and published by the U.S. Treasury Department in TFRM 6–8020–20) on the value of timber remaining on the sale until such timber is paid for at contract rates, and (2) under contracts providing for stumpage rate adjustment, to pay for timber removed from the sale area during the period of extension at rates not subject to downward adjustment nor subject to any ceilings on upward rate adjustment. The procedure for establishing payment rates following a rate redetermination for contract term extensions shall be revised to preclude an increase in purchaser credit as part of the rate redetermination.

Explanation

The National Forest Management Act requires as prerequisites for the granting of extensions on sales longer than 2 years that the purchaser have diligently performed in accordance with an approved plan of operation, or that the substantial overriding public interest justifies the extension. Costs caused by delay of harvest will vary by individual timber sale; they may include items such as the cost of keeping planting stock an additional time, higher costs for planting the area due to delays, and

consequences to other natural resources caused by prolonging timber sale operations (FSM 2433.1). The provision for payment of interest will reimburse for delay in receipt of stumpage payments and for delay in establishing growth on the regenerated stand.

The timber sale appraisal includes an estimate for costs of constructing specified roads. During inflationary periods, the costs of constructing roads often are higher at the time of extension than they were at the time of the original appraisal and sale. Under present practice, an increase in specified road costs and purchaser credit at time of extension results in a decrease in receipts to the Government. This proposal will eliminate that loss to the Government (FSM 2433.1).

11. Purchasers who default a timber sale contract will, in addition to liability for other damages currently specified in provision B9.4 of the timber sale contract, be liable (1) for any increase in costs attributable to originally specified roads at resale of the defaulted contract, and (2) for the Government's loss caused by delay in receipt of stumpage payments, measured by interest from the date the contract would have terminated had it not been defaulted, to the midpoint of the term of the resold contract. Such interest will be at the rate paid for borrowings by the United States (as calculated and published by the U.S. Treasury Department in TFRM 6–8020–20) during the period of delay.

Explanation

Presently, defaulting purchasers are assessed the cost of reselling the remaining timber plus the difference between the resale receipts and the receipts the Government would have received if the original purchaser had harvested the timber in a timely manner. Now, the defaulter will also be assessed interest on the value of the remaining timber. The cost of resale and the interest assessment will be specified as liquidated damages.

The timber sale appraisal includes an allowance for construction of specified roads. During inflationary periods, the costs of constructing the same roads would be higher at the time of default than they were at the time of the original appraisal and sale. Under present practice, an increase in specified costs and purchaser credit for the same roads at time of resale results in a decrease in receipts to the Government. This proposal requires the defaulting purchaser to be liable for this loss (FSM 2433.5).

Douglas R. Leisz,

Associate Chief.

December 31, 1981

[FR Doc. 82-1285 Filed 1-19-82; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-9-FRL 2033-8]

Compliance Order; Hawaiian Electric Co.; Public Hearing

AGENCY: Environmental Protection Agency, Region 9.

ACTION: Notice of public hearing on proposed delayed compliance order.

SUMMARY: A public hearing will be held to consider public comments on a proposed delayed compliance order for Hawaiian Electric Company, Inc. (HECO) power plant at Kahe, Hawaii. Notice of the proposed order was given by publication in the **Federal Register**, Vol. 47, No. 5, at pages 969–972, on Friday, January 8, 1982. For supplementary information and the text of the proposed order please see that entry. The Regional Administrator, Region 9, has found that there is a significant public interest in the proposed order.

DATES: The hearing is scheduled to commence on Thursday, February 11, 1982. Written comments on the proposed order must be received on or before the close of business on February 11, 1982, or they may be submitted to the Presiding Officer at the hearing on February 11, 1982.

ADDRESSES: The hearing is scheduled to commence on Thursday, February 11, 1982, at 9:30 a.m. local time, at the State Capitol Auditorium, Honolulu, Hawaii, and, after a recess, to continue on the same date at 7:30 p.m. local time at the Waipahu High School Cafetorium, 94–1211 Farrington Highway, Waipahu, Hawaii.

Send written comments on the proposed order to the Offices of EPA. Region 9, 215 Fremont Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT:

Proposed order: David P. Howekamp, Acting Director, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 974–8250.

Public hearing: Lorraine Pearson, Regional Hearing Clerk, EPA, Region 9, (415) 974–8042, or the Pacific Islands Contact Office, (808) 546–8910.

SUPPLEMENTARY INFORMATION: The hearing may be continued from time to time or from place to place to accommodate the needs of EPA or the public.

The comment period may be extended by the President Officer by an announcement at the public hearing. After the comment period has closed, all comments, both oral and written, will be considered and final Agency action will be published in the Federal Register pursuant to 40 CFR Part 65.

The proposed order and supporting materials, including the research, monitoring, and contingency plans may be inspected and copied Monday through Friday, from 9:00 a.m. to 12:00 M. and from 1:00 p.m. to 4:00 p.m., at the Pacific Islands Contact Office, EPA, Region 9, Room 1302, Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii, Phone: 546–8910.

(Sec. 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: January 14, 1982.

Frank M. Covington,

Acting Regional Administrator, Environmental Protection Agency, Region 9.

[FR Doc. 82-1472 Filed 1-19-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[OPP-300058; PH-FRL-2031-6]

Corn Syrup; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the inert ingredient corn syrup presently listed as exempted from the requirement of a tolerance under 40 CFR 180.1001(e) also be included under 40 CFR 180.1001(c). This exemption was requested by Tuco Products Co., Division of the UpJohn Co.

DATE: Written comments must be received on or before February 19, 1982.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort (703–557–1830).

SUPPLEMENTARY INFORMATION: At the request of Tuco Products Co., Division of Upjohn Co., the Administrator proposes

to amend 40 CFR 180.1001(c)(by establishing an exemption from the requirement of a tolerance for the inert ingredient corn syrup.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and included, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of Inert Ingredient. Corn Syrup.

Name and Address of Requestor. Tuco Products Co., Division of the Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001.

Basis for Consideration. This inert ingredient is toxicologically similar to "Molasses" and "Corn dextrin" cleared under § 180.1001(c). "Corn syrup" is also cleared on animals under § 180.1001(e).

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request, on or before February 19, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[OPP-300058]". All written comments filed in response to this petition will be available in the office of Richard F. Mountfort, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated January 7, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1001(c) be amended by adding and alphabetically inserting corn syrup to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
*	*	*
Corn syrup	Pre- and post-harvest application.	Rehydrating agent.
*	*	*

[FR Doc. 82-1250 Filed 1-19-82; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation: Reclamation Rules and Regulations and Draft Environmental Impact Statement

AGENCY: Bureau of Reclamation, Interior.

ACTION: Public hearings notice; corrections.

SUMMARY: This document contains corrections to a **Federal Register** Notice (46 FR 63331) published on December 31, 1981. The original notice announced the extension of the comment period on the Department's published proposed rules and regulations on acreage limitation and draft environmental impact statement from December 31, 1981 to March 5, 1982 and listed dates and locations for public hearings. This document adds one hearing location and specifies the time limitation for oral presentations as 15 minutes.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper (202) 343-2148.

SUPPLEMENTARY INFORMATION: The following corrections are made to the Federal Register Document Vol. 46. No. 251, appearing on page 63331 in the issue of December 31, 1981:

1. A public hearing scheduled to be held in Denver, Colorado was omitted from the list of public hearings. The notice is amended to read as follows: February 24—Holiday Inn West, Denver, Colorado.

2. The first statement following the list of hearings failed to cite the time limitation on oral testimony. This statement is corrected to read as follows: Oral statements will be limited to 15 minutes.

Dated: January 15, 1982.

Darrell D. Mach,

Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 82-1387 Filed 1-19-32; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-872; RM-4009]

FM Broadcast Station Pagosa Springs, Colorado; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 292A to Pagosa Springs, Colorado, as its first FM channel, in response to a petition filed by Don Davis.

DATES: Comments must be filed on or before January 29, 1982, and reply comments on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 11, 1981.

Released: December 17, 1981.

By the Acting Chief, Policy and Rules Divisions.

1. The Commission herein considers a petition for rule making filed by Don Davis ("petitioner"), which seeks the assignment of FM Channel 292A to Pagosa Springs, Colorado, as that community's first FM assignment. Petitioner stated his intent to apply for the channel, if assigned.

2. Pagosa Springs (population 1,331),[1] seat of Archuleta County (population 3,664), is located approximately 320 kilometers (200 miles) southwest of Denver, Colorado. It is served locally by fulltime AM Station KPAG.

3. According to the petitioner, tourism is the primary source of Pagosa Springs' economy, and mining, ranching and lumbering are secondary industries. Petitioner claims that the proposed assignment would benefit the community by providing a new and independent source of information and entertainment.

4. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Pagosa Springs, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Pagosa Springs, Colorado, as follows:

City	Channel No.	
	Present	Proposed
Pagosa Springs, Colorado		292A.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-1334 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census.

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47 CFR Part 73

[BC Docket No. 82-2; RM-3991]

FM Broadcast Stations in Cut Bank, Mont.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C Channel 274 to Cut Bank, Montana, in response to a petition filed by Glacier Communications, Inc. The assignment could provide Cut Bank with a first local FM service and outlying areas with a first FM service.

DATES: Comments must be filed on or before March 1, 1982, and reply comments on or before March 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cut Bank, Montana), BC Docket No. 82–2, RM–3991.

Notice of Proposed Rule Making

Adopted: January 6, 1982.

Released: January 14, 1982.

1. Glacier Communications, Inc. ("petitioner"), has filed a petition for rule making [1] seeking assignment of Class C FM Channel 274 to Cut Bank, Montana, as that community's first FM assignment. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules, and petitioner states that it will apply for the channel, if assigned.

2. Cut Bank (population 3,688),[2] the seat of Glacier County (population 10,628), is located approximately 144 kilometers (90 miles) northwest of Great Falls, Montana. It currently has no local aural service.

3. Beyond asserting that Cut Bank is the largest community in Glacier County, petitioner has failed to set forth in its proposal adequate demographic and economic information with respect to Cut Bank to demonstrate the need for the proposed assignment, and is required to do so by the date established herein for filing comments.

4. Petitioner acknowledges that high-powered wide-coverage area, Class C channels are not normally assigned to communities as small as Cut Bank. However, exceptions to this policy are made where a Class C channel could provide a significant amount of first or second FM or aural service to surrounding areas and populations. Petitioner states that its proposal will provide a first FM service to 3,977 persons residing in an area of 3,942 square kilometers (1,552 square miles), and a second FM service to 10,761 persons in a area of 3,726 square kilometers (1,467 square miles). Without supplying specifics, petitioner adds that since AM service in the area is minimal, most of the persons that will benefit from the FM proposal will also receive first and second nighttime aural service as well. Further, petitioner advises that the proposed assignment will have an adverse preclusive effect only on Conrad, Montana, but indicates that Channels 229 and 278 are available for assignment thereto.

5. Since the proposed assignment of Channel 274 to Cut Bank, Montana, is within 402 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained.

In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

Channel No.	City	
	Present	Proposed
Cut Bank, Montana		274

7. Interested parties may file comments on or before March 1, 1982, and reply comments on or before March 16, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that §§ 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. it should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

[1] *Public Notice* of the petition was given October 22, 1981, Report No. 1314.

[2] Population figures are derived from the 1980 U.S. Census, Advance Reports.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-1337 Filed 1-19-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-3; RM-3970]

FM Broadcast Station in Mangum, Okla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Mangum, Oklahoma, in response to a petition filed by Mangum Broadcasting, Inc.

DATES: Comments must be filed on or before March 1, 1982, and reply comments on or before March 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Mangum, Oklahoma), BC Docket No. 82-3; RM-3970.

Notice of Proposed Rule Making

Adopted: January 6, 1982.

Released: January 14, 1982.

1. The Commission herein considers a petition for rule making,[1] filed by Mangum Broadcasting, Inc. ("petitioner"), proposing the assignment of Channel 221A to Mangum, Oklahoma, as its first FM assignment. Petitioner stated that it will apply for the channel, if assigned. No oppositions to the proposal were received.

2. Mangum (population 4,066) seat of Greer County (population 7,979),[2] is located approximately 192 kilometers (120 miles) southwest of Oklahoma City. It is without local broadcast service.

3. According to the petitioner, Mangum has a city manager form of government, and a comprehensive city plan underway. Its three major highways provide access to the city with eight motor freight carriers serving Mangum. Petitioner also claims that Greer County, as of 1977 had 79 retail establishments, employing 225 persons, and annual retail sales of $13,233,000. Petitioner further states that Station KWHW-FM, Altus, Oklahoma, the nearest station to Mangum (approximately 26 miles) is not responsive to the needs of Mangum.

4. In view of the fact that the proposed FM assignment could provide a first local aural broadcast service to Mangum, the Commission proposes to amend the FM Table of Assignments, with regard to Mangum, Oklahoma, as follows:

City	Channel No.	
	Present	Proposed
Mangum, Oklahoma		221A.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 1, 1982, and reply comments on or before March 16, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066; 1082; 47 U.S.C. 154,303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Proceedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions

[1] Public Notice of the petition was given on September 9, 1981, Report No. 1308.

[2] Population figures are taken from the 1980 U.S. Census.

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-1338 Filed 1-19-82; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Parts 81 and 83

[Docket No. 81 744; FCC 81-510]

Reservation of Channel 5 Exclusively for Vessel Traffic Service (VTS) Communications in the Seattle (Puget Sound) VTS Radio Protected Area

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes the reservation of Channel 5 exclusively for Vessel Traffic Service (VTS) communications in the Seattle (Puget Sound) VTS radio protected area. This rule making was initiated in response to an informal request by the Commandant, United States Coast Guard (USCG). These rules will enable the USCG to service the increased vessel traffic in this area.

DATES: Comments must be received by February 18, 1982.Comments must be received by March 5, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Linda R. Figueroa, Federal Communications Commission, Washington, D.C. 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 81 and 83 of the Rules to make the frequency 156.25 MHz available exclusively for Vessel Traffic Service (VTS) communications in the Seattle (Puget Sound) VTS radio protected area; Notice of proposed rule making.

Adopted: October 22, 1981.

Released: November 3, 1981.

By the Commission

1. In this Notice, we proposed to amend Parts 81 and 83 of the Commission's rules to make VHF Channel 5 (156.25 MHz) available exclusively for Vessel Traffic Service (VTS) communications in the Seattle (Puget Sound) VTS radio protected area.

Background

2. The United States Coast Guard (USCG) has established a VTS system for a number of the largest and busiest port areas in the United States. This program was initiated in order to implement the provisions of the "Ports and Waterways Safety Act of 1972".[1] A VTS is a vessel movement reporting system which is designed to prevent damage to or loss of vessels, bridges or other structures in United States navigable waters, and to protect these waters and associated natural resources from environmental harm resulting from such damage or loss. At the request of the Commandant, USCG the Commission amended the rules so as to designate up to three frequencies exclusively for VTS communications within the designated VTS radio protected areas.[2] The frequencies available for VTS communications, under specified conditions, are specified in §§ 81.357 and 83.361 of the rules. These frequencies are 156.550 MHz (previously a commercial frequency), 156.600 MHz and 156.700 MHz (previously port operations frequencies). Sections 81.357(b)(3) and 83.361(b)(3) presently designate 156.700 MHz exclusively for USCG VTS communications in the Puget Sound VTS radio protected area.

Discussion

3. We have been requested by the Commandant, USCG to amend the rules to make Channel 5 available exclusively for VTS communications within the Puget Sound VTS radio protected area described in the rules.[3] The USCG's request for an additional VTS frequency arises from the extensive area of coverage and increased movements of large oil tankers which make it operationally necessary to divide the system into sectors. This division necessitates an additional operating frequency.

4. The frequency 156.250 MHz is available for assignment only in particular areas because of its band edge location and the resultant potential for harmful interference with land mobile assignments on the adjacent highway maintenance service frequency 156.240 MHz. However, 156.250 MHz in the Puget Sound VTS area was carefully coordinated with existing land mobile assignments as well as with Canada, in order to avoid potential interference problems. At present, although 156.250 MHz is available for use in Puget Sound there are no licensees operating on it.

Proposal

5. Accordingly, we propose to amend §§ 81.357 and 83.361 of the Commission's rules in order to make Channel 5 (156.25 MHz) available exclusively for VTS communications in the Puget Sound radio protected area.

6. The proposed amendments to the Commission's rules as set forth in the attached Appendix, are issued under the authority contained in Sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended.

Comments

7. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before February 18, 1982, and reply comments on or before March 5, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are

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[1] Pub. L. 92-340, 86 Stat. 424, 46 U.S.C. 1551.

[2] *Report and Order*, Docket No. 20444 adopted December 2, 1975, 40 FR 57673, 56 FCC 2d 1089.

[3] Sections 81.357(b)(3) and 83.361(b)(3) of the Commission's rules state: "Seattle (Puget Sound): From 49° North 121° West on the U.S.-Canadian Border, south to 46° 30' North 121° West, then west to 46° 30' North 125° West, then north to 48° 30' North 125° West, then east to the U.S.-Canadian Border, and thence along the U.S.-Canadian Border to 49° North 121° West; * * *"

given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231.

10. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 [1] do not apply to this rule making proceeding. The USCG VTS system is operated as part of a Congressional mandate in the "Ports and Waterways Safety Act of 1972". Further, although Channel 5 is available for operation in the Puget Sound VTS area it is not in use. Therefore, making Channel 5 available for VTS communications in the Puget Sound VTS radio protected area would not have a significant impact on a substantial number of small entities.

11. Regarding questions on matters covered in this document contact, Linda R. Figueroa (202) 632-7175.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 305, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment: Appendix

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. Section 81.357(b)(4) is amended by adding frequency 156.25 MHz.

§ 81.357 Frequencies available for use in Vessel Traffic Services Systems.

* * * * *

(b) * * *

(4) Seattle (Puget Sound): From 40° North 121° West on the U.S.—Canadian Border South to 46° 30′ North 121° West then west to 46° 30° North 125° West, then north to 48° 30′ North 125° West, then east to the U.S.—Canadian Border and thence along the U.S.—Canadian Border to 49° North 121° West; frequencies 156.7 MHz, 156.25 MHz.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE.

2. Section 83.361(b)(4) is amended by adding frequency 156.25 MHz.

§ 83.361 Frequencies available for use in Vessel Traffic Services Systems.

* * * * *

(b) * * *

(4) Seattle (Puget Sound): From 49° North 121° West on the U.S.—Canadian Border South to 46° 30′ North 121° West then west to 46° 30° North 125° West, then north to 48° 30′ North 125° West, then east to the U.S.—Canadian Border and thence along the U.S.—Canadian Border to 49° North 121° West; frequencies 156.7 MHz, 156.25 MHz.

* * * * *

[FR Doc. 82-1376 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Pub. L. 96-354

Notices

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Soil and Water Resources Conservation Act of 1977 (RCA); 1981 Program Report and Environmental Impact Statement, Revised Draft

AGENCY: Office of the Secretary, USDA.

ACTION: Extension of public review period.

SUMMARY: On December 2, 1981, the U.S. Department of Agriculture (USDA) released the 1981 Program Report and Environmental Impact Statement, Revised Draft. This notice extends the review period on that document from January 15, 1982, to January 29, 1982. Comments should be sent to the appropriate Soil Conservation Service (SCS) state conservationists as listed in the Monday, November 2, 1981, **Federal Register**, Volume 46, No. 211, pp. 54393–54394. Comments originating in the Washington, D.C. metropolitan area should be sent to the RCA Response Center at the address listed below.

DATE: Comments must be postmarked no later than January 29, 1982, to be considered in RCA decisions.

FOR FURTHER INFORMATION CONTACT: RCA Response Office, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, Telephone (202) 382–8059.

(Public Law 95–192 Stat. 1407, 18 U.S.C. 2001 et. seq. November 16, 1977)

Dated: January 13, 1982.

John B. Crowell, Jr.,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 82-1315 Filed 1-19-82; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

Application of Harold's Air Service for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (82–1–32).

SUMMARY: The Board is proposing to award a certificate of public convenience and necessity to Harold's Air Service authorizing it to engage in the interstate and overseas air transportation of persons, and the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions, except in all-cargo service within Alaska or Hawaii; and all-cargo air transportation in Alaska between and among the points listed in its application. The Board is also tentatively determining that Harold's is fit, willing, and able to provide service.

DATES: Objections: All interested persons having objections to the Board issuing the proposed certificate or to its tentative finding of fitness shall file, and serve upon all persons listed below no later than February 3, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 40191, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Harold's Air Service; Hank Myers; the mayor and airport manager of each city to which the pleading refers; and the Alaska Transportation Commission.

FOR FURTHER INFORMATION: Anne W. Stockvis, Bureau Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5335.

SUPPLEMENTARY INFORMATION: The complete text of Order 82–1–32 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82–1–32 to that address.

By the Civil Aeronautics Board: January 7, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-1383 Filed 1-19-82; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended January 8, 1982

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings (see 14 CFR 302.1701 et. seq.).

Date filed	Docket No.	Description
Jan. 6, 1982	40360	Two Americas Trading Company, Inc. d/b/a ICB International Airlines, Suite 104, 1020 Manhattan Beach Blvd., Manhattan Beach, California 90266. Application of Two Americas Trading Company, Inc. d/b/a ICB International Airlines, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to engage in scheduled foreign air transportation of property and mail as follows:

Date filed	Docket No.	Description
		Between a point or points in the United States, on the one hand, and a point or points in the United Kingdom, Belgium, the Netherlands, Luxembourg, Portugal, Israel, Iran, Iraq, Saudi Arabia, Ivory Coast, Gabon, Ghana, Zaire, Nigeria, Zimbabwe, and the Republic of South Africa, on the other.
		Conforming Applications, motions to modify scope, and Answers may be filed by February 2, 1982.
Jan. 5, 1982	40361	Alaska International Air, Inc., c/o Leonard N. Bebchick, Martin, Whitfield, Smith & Bebchick, Suite 1102, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Application of Alaska International Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to renew on a permanent basis AIA's permissive, mail-only certificate authority for segment 2 of its Route 208;
		The alternate terminal points Nome and Kotzebue, Alaska; the intermediate points Shishmaref, Wales, Tin City, Brevig, Teller, Gambell, Savoonga, Solomon, Golovin, Council, White Mountain, Elm, Koyuk, Shaktoolik, Cape Lisburne, Point Hope, Kivalina, Noatak, Ambler, Kabuk, Shungnak, Noorvik, Selawik, Kiana, Buckland and Candle, Alaska; and the terminal point Deering, Alaska.
		Conforming Applications, motions to modify scope, and Answers may be filed by February 2, 1982.
Jan. 6, 1982	40363	American Airlines, Inc., P.O. Box 61616, DFW Airport, Texas 75261. Application of American Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its certificate of public convenience and necessity for Route 137 to authorize it to engage in foreign all-cargo air transportation between the United States on the one hand, and Colombia and Peru, on the other hand.
		Conforming Applications, motions to modify scope, and Answers may be filed by February 3, 1982.
Jan. 7, 1982	40365	Delta Development Corp. d/b/a Western4ary 4, 1982.
Jan. 7, 1982	40367	Houston Airlines, Inc., P.O. Box 12917, Houston, Texas 77017. Application of Houston Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate air transportation of persons, property, and mail as follows:
		(a) Applicant desires service between Houston/Newark and Houston/Washington (IAD) only; applicant may request additional routes at later date; and
		(b) In interstate air transportation pursuant to contracts with the Department of Defense.
		Conforming Applications, motions to modify scope, and Answers may be filed by February 4, 1982.
Jan. 8, 1982	40370	Finnair Oy, c/o John L. Richardson, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Application of Finnair Oy requests renewal of its foreign air carrier permit, last issued pursuant to Order 77-1-69, which allows it to conduct charters on behalf of Kar-Air oy, in accordance with the wet lease agreement between the two carriers. Specifically, Finnair seeks renewal of its authority to engage in charter foreign air transportation as follows:
		By and only by charter agreement with Kar-Air oy for the carriage of charter traffic in which Kar-Air is authorized to engage by foreign air carrier permits issued by the Board by order approved by the President.
		Answers may be filed by February 5, 1982.
Jan. 8, 1982	40371	Kar-Air Oy, c/o John L. Richardson, Verner, Liipfert, Bernhard and McPherson, 1660 L Street, N.W., Suite 1100, Washington, D.C. 20036.
		Application of Kar-Air Oy pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its foreign air carrier permit, last issued pursuant to Order 77-1-69, which allows it to conduct charter foreign air transportation, including charters on behalf of Finnair in accordance with wet lease agreement between the two carriers.
		Answers may be filed by February 5, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-1384 Filed 1-19-82; 8:45 am]

BILLING CODE 6320-01-M

Order Concerning Mail Rates

Order 82-1-18, January 7, 1982, Docket 40048, fixes temporary intra-Alaska service mail rates for Southeast Alaska Airlines, Inc., at the rates established for Alaska Airlines, Inc., by Orders 80-12-152 and 80-12-153.

Copies of the order are available from the Civil Aeronautics Board Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-1385 Filed 1-19-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39975]

Trenton Hub Express Airline Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed Judge Kane.

Dated at Washington, D.C., January 11, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-1386 Filed 1-19-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 5-82]

Foreign-Trade Zone 64, Jacksonville, Florida; Application for Temporary Site

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Jacksonville Port Authority, grantee of Foreign-Trade Zone 64, requesting authority to establish a temporary zone site in Jacksonville, Florida, within the Jacksonville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 12, 1982. The applicant is authorized to make this proposal under Chapter 288.36 of the Florida Statutes (1979).

On December 29, 1980, the Port Authority received authority from the Board to establish a foreign-trade zone project in the Jacksonville area (Board Order 170, 46 FR 1330, 1/6/81). The project covers 143 acres of undeveloped land within a 7000-acre tract adjacent to the Jacksonville International Airport planned for distribution/light industrial activity.

Because of the expected time lag in development of the permanent site, the applicant requests a 3-year temporary sites at an existing warehouse so that zone services can be provided as soon as possible. The 200,000 square foot facility is located at 2001 North Ellis Road in Jacksonville, some 15 miles from the Airport and 8 miles from the Talleyrand Docks and Terminals. It is owned and operated by Unit Distribution, Inc., which presently operates public and bonded warehouse facilities and has been designated as the operator of FTZ 64.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zone Staff, U.S. Department of Commerce,

Washington, D.C. 20230; Charles W. Winwood, Director (Inspection and Control), U.S. Customs Service, Region IV, 99 S.E. 5th Street, Miami, Florida 33131; and Colonel Alfred B. Devereaux, District Engineer, U.S. Army Engineer District Jacksonville, P.O. Box 4970, Jacksonville, Florida 32232.

Comments concerning the proposed temporary site are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 22, 1982.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 2831 Talleyrand Avenue, Jacksonville, Florida 32206

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW, Room 3721, Washington, D.C. 20230

Dated: January 13, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-1380 Filed 1-18-82; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 3-82]

Foreign-Trade Zone 49; Newark/ Elizabeth, New Jersey; Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port Authority of New York and New Jersey (the Port Authority), grantee of Foreign-Trade Zone 49, Newark/ Ellizabeth, New Jersey, requesting authority to expand the zone to include the entire Port Newark/Elizabeth Port Authority Marine Terminal on Newark Bay, within the New York City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 11, 1982. The applicant is authorized to make this proposal under Section 12:13–1 of the New Jersey Statutes Annotated.

On April 6, 1979, the Port Authority received from the Board authority to establish a foreign-trade zone facility within the 2,200-acre marine terminal complex, consisting of two general-purpose buildings totaling 200,000 square feet (Board Order 146, 44 FR 22502, 4–16–79). The zone became operational in April 1981 and is expected to be fully occupied in the near future. This application requests the designation of the entire complex as a zone so that the Port Authority has additional space and flexibility in meeting the growing demand for zone services.

The application indicates a need for two million square feet of additional zone space for a variety of operations which cannot presently be accommodated. Prospective uses include storage, distribution, processing and assembly of industrial machinery, automobiles, motorcycles, electrical equipment, electronic components, household goods, luggage, and apparel. The Port Authority has not been able to plan the location of the new prospects within one section of the complex because of their individual needs. This proposal is based uon the fact that the clustering of users is not feasible and that the terminal complex is operated as an integrated and secured facility. Sites would be activated as needed after necessary improvements are made and Customs approval obtained.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of John J. Da Ponte, Jr., (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Benjamin C. Jefferson, Newark Area Director, U.S. Customs Service, Region II, Airport International Plaza, Room 210A, Newark, New Jersey 07114; and Colonel Walter M. Smith, Jr., District Engineer, U.S. Army Engineer District New York, 26 Federal Plaza, New York, New York 10278.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 22, 1982

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce, Gateway Building, 4th Floor, Market Street and Penn Plaza, Newark, New Jersey 07102

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW, Room 3721, Washington, D.C. 20230

Dated: January 13, 1982.

John J. Da Ponte, Jr.,

Executivve Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-1381 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 4-82]

Foreign-Trade Zone 34, Niagara County, New York; Application for Relocation

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Niagara, New York (the County), grantee of Foreign-Trade Zone 34, requesting authority to relocate the project within the County to a site at the Niagara Falls International Airport, within the Buffalo/Niagara Falls Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 12, 1982. The applicant is authorized to make this proposal under Chapter 190 of the 1977 Session Laws of New York (approved June 1, 1977).

On November 29, 1977, the County received authority from the Board to establish a foreign-trade zone project within the Lew-Port Industrial Park, Township of Porter (Board Order 125, 42 FR 33379, 6/3/77). For various reasons the County has decided to reorganize and relocate the project.

The applicant now requests authority to relocate the zone to a 19-acre site within a multi-purpose industrial development project at the Niagara Falls International Airport in the Town of Wheatfield. A 30,000 square foot multi-user building will be constructed by the County for initial zone activity. The zone project will continue to be a part of the Niagara County Overall Economic Development Program Committee's efforts to diversify the area's economy and reduce unemployment.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel George P. Johnson, District Engineer, U.S. Army Engineer District Buffalo,

1776 Niagara Street, Buffalo, New York 14207.

Comments concerning the proposed relocation are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 22, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, 1312 Federal Building, 111 West Huron Street, Buffalo, New York 14202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW, Room 3721, Washington, D.C. 20230.

Dated: January 13, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-1379] Filed 1-19-82; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Columbus, Ohio; Applications for Pilot Project Grant.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12 month period beginning May 3, 1982 in the Columbus, Ohio SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 05-10-82011-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Amendment.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants.

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and administrative resources, i.e. computer facilities,

voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution* means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services* are charges to the client for assistance provided by BDC.

C. *In-Kind contribution* represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs invloved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and techical assistance to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms.

Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building—536 South Clark Street—Room 638 A & B—Chicago, Illinois on February 8, 1982 at 10:00 A.M.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Date: January 12, 1982

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1360 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

Cincinnati, Ohio, Applications for Pilot Project Grant

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12 month period beginning May 3, 1982 in the Cincinnati, Ohio SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 05-10-82009-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants.

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of

minority business individuals and firms. Provide information that demonstrated the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possible enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution* means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services* are charges to the client for assistance provided by BDC.

C. *In-Kind contribution* represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plant of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms.

Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building—536 South Clark Street—Room 638 A & B—Chicago, Illinois on February 8, 1982 at 10:00 A.M.

(11.800 Minority Business Development [Catalog of Federal Domestic Assistance])

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1361 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

Minneapolis-St. Paul, Minnesota, Applications for Pilot Project Grants

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to

operate a pilot project for a 12 month period beginning May 3, 1982 in the Minneapolis-St. Paul SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 05-10-82012-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants.

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will execise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/ Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credientials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibily enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level or performance.

III. Resources

Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; 3. in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the

minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and techical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms.

Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building—536 South Clark Street—Room 638 A&B—Chicago Illinois on February 8, 1982 at 10:00 A.M.

(11.800 Minority Business Development [Catalog of Federal Domestic Assistance])

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1362 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a Cooperative Agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Richmond, Virginia SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 03-10-82006-01. Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street NW., Suite 420, Washington, D.C. 20006, Phone (202) 634-7883.

For further information and/or an application kit contact Ms. Beverly Ivery at (202) 634-7883.

SUPPLEMENTARY INFORMATION:

A. *Scope and Purpose of this Announcement.* Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. *Eligible Applicants.* Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. *Evaluation Process.* All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and

previous experiences. Provide resumes for all professional staff personnel.
—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and adminstrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Aplication.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and techical assistance to clients.

Total project costs will be evaluated in terms of:
—Clear explanations of all expenditures proposed; and
—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construes as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. Pre-Application Conference

Will be held to assist all interested applicants at the following address on Monday, February 8, 1982 at 10:00 a.m.: U.S. Department of Commerce, 14th and Constitution Ave. NW., Room 6802, Washington, D.C. 20230.

Dated: January 15, 1982.

Luis G. Encinias.

Regional Director.

[FR Doc. 82-1319 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a Cooperative Agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Philadelphia, Pennsylvania SMSA. The cost of the project is estimated to be $700,000. The maximum federal participation amount is $630,000. The minimum amount required for non-federal participation is $70,000. The project number is 03-10-82001-01. Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982. Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street N.W., Suite 420, Washington, D.C. 20006, Phone (202) 634-7883. For further information and/or an application kit contact Ms. Beverly Ivery at (202) 634-7883.

SUPPLEMENTARY INFORMATION:

A. *Scope and purpose of this announcement.*

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In

order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. *Eligible applicants.*

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. *Evaluation process.*

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. *Evaluation criteria for business development center application.*

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. **Capability and Experience of Firm/Staff**—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MGE business persons and firms. (references from clients assisted are pertinent.)

—background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—demonstrate competence among stall to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—if any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment 0 of OMB Circulars A-110 or A-102.

II. **Techniques and Methodology**—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. **Resources**—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms will gross sales of over $500.000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that willbe considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not considered as the recipient's in-kind contribution.

IV. **Costs**—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective programs possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—clear explanations of all expenditures proposed, and

—the extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency.*

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan to operation ahd will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. *Disposition of proposals.*

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. *Proposal instructions and forms.*

Questions concerning the preceeding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the following address on Monday, February 8, 1982 at 10:00 a.m.: U.S. Department of Commerce, 14th and Constitution Ave., NW., Room 6802, Washington, D.C. 20230.

Dated: January 15, 1982.

Luis G. Encinias,

Regional Director.

[FR Doc. 82-1318 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center (Chicago BDC North); Cooperative Agreement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (Chicago BDC North) beginning May 3, 1982 in McHenry, Lake and Kane Counties, Illinois; and all areas in Cook County Illinois North of the Eisenhower Expressway. The cost of the project is estimated to be $336,000. The maximum federal participation amount is $302,400. The minimum amount required for non-federal participation is $33,600. The project number is 05-10-82000-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John G. Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. *Scope and Purpose of this Announcement.* Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. *Eligible Applicants.* Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. *Evaluation Process.* All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts of cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.* Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job description sand qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Notice.—All contracting proposed should be in accordance with procurement standards in Attachment O to OMB Circulars A-110 or A-102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources.—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in

terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution.*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services.*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution.*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency,.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. *Disposition of Proposals.* Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. *Proposal Instructions and Forms.* Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building, 536 South Clark Street, Room 638 A & B, Chicago, Illinois on February 8, 1982 at 10:00 a.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1343 Filed 1-19-82; 8:45 am]

BILLING CODE 1350-53-M

Business Development Center (BDC); Cooperative Agreement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12 month period beginning May 3, 1982 in the Cleveland, Ohio SMSA. The cost of the project is estimated to be $410,000. The maximum federal participation amount is $369,000. The minimum amount required for non-federal participation is $41,000. The project number is 05-10-82004-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. *Scope and Purpose of this Announcement.* Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate the broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. *Eligible Applicants.* Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. *Evaluation Process.* All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. *Evaluation Criteria for Business Development Center Application.* The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.* Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and

firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumés for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources.*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution.*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services.*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution.*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. *Disposition of Proposals.* Notification of awards will be made by the Grant Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. *Proposal Instructions and Forms.* Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building, 536 South Clark Street, Room 638 A & B, Chicago, Illinois on February 8, 1982 at 10:00 A.M.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance)).

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1344 Filed 1-19-82; 8:45 am]

BILLING CODE 1350-53-M

Solicitation of Applications for a Cooperative Agreement Under the Business Development Center (Chicago BDC South)

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (Chicago BDC South) program to operate a pilot project for a 12 month period beginning May 3, 1982 in Dupage and Will Counties, Illinois; and all areas in Cook County Illinois South of the Eisenhower Expressway. The cost of the project is

estimated to be $784,000. The maximum federal participation amount is $705,600. The minimum amount required for non-federal participation is $78,400. The project number is 05-10-82001-01.

Applicants shall be required to contribute at least 10 percent the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 26, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of the competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: Inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities-that can possibly enhance the BDC program effort-i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology*—specify plans for achieveing the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: Outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to inlcude a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions: 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: High technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program

possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with economy and efficiency.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Building—536 South Clark Street—Room 638 A & B—Chicago Illinois on February 8, 1982 at 10:00 a.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: January 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-1342 Filed 1-19-82; 8:45 am]

BILLING CODE 3510-21-M

National Bureau of Standards

Status Report on Voluntary Product Standards

AGENCY: National Bureau of Standards; Commerce.

ACTION: Maintenance, retention, replacement, and withdrawal of certain voluntary product standards

On August 19, 1980, the Department of Commerce (Department) announced in the **Federal Register** (45 FR 55250-2) the status of 80 documents classified as Voluntary Product Standards. The announcement was made in accordance with the revised Procedures for the Development of Voluntary Product Standards (15 CFR Part 10). Section 10.0(b) of the Procedures specifies six criteria that must be met for the Department to sponsor the development or maintenance of a Voluntary Product Standard.

Numerous requests to retain or maintain various standards were received in response to the August 19, 1980, notice. A number of the requests specified retention of standards for fixed periods of time that have now elapsed. The current status of all such standards is indicated below.

Based on proposals from the proponent organizations identified after the following titles, the following product standards will continue to be sponsored by the Department:

PS 1-74, Construction and Industrial Plywood; American Plywood Association
PS 20-70, American Softwood Lumber Standard; American Lumber Standards Committee
PS 72-76, Toy Safety; Toy Manufacturers of America
PS 73-77, Carbonated Soft Drink Bottles; Glass Packaging Institute
TS 231, Proposed Voluntary Product Standard, Production of Carbonated Soft Drinks In Glass Bottles; National Soft Drink Association

Based on documented activity within a private standards-writing organization, the following standards will be retained by the National Bureau of Standards for the periods of time stated below to permit the orderly transfer of sponsorship of such standards from the Department to the identified organizations. The periods of time stated below shall commence from the date this notice is published in the **Federal Register** and supersede the periods of time stated for those standards in the August 19, 1980 notice.

PS 30-70, School Chalk; the Crayon, Water Color and Craft Institute, Inc.; 6 months
PS 36-70, Body Measurements for the Sizing of Boys' Apparel; Mail Order Association of America; 12 months
PS 42-70, Body Measurements for the Sizing of Women's Patterns and Apparel; Mail Order Association of America; 12 months
PS 45-71, Body Measurements for the Sizing of Apparel for Young Men (Students); Mail Order Association of America; 12 months
PS 46-71, Flame-Resistant Paper and Paperboard; American Society for Testing and Materials; 6 months
PS 51-71, Hardwood and Decorative Plywood; Hardwood Plywood Manufacturers Association; 12 months
PS 54-72, Body Measurements for the Sizing of Girls' Apparel; Mail Order Association of America; 12 months
PS 63-75, Latex Foam Mattresses for Hospitals; American Society for Testing and Materials; 12 months
PS 64-75, School Paste; The Crayon Water Color and Craft Institute, Inc.; 6 months
PS 65-75, Paints and Inks for Art Education in Schools; The Crayon, Water Color and Craft Institute, Inc.; 6 months
PS 67-76, Marking of Gold Filled and Rolled Gold Plate Articles Other Than Watchcases; Jewelers Vigilance Committee; 24 months
PS 68-76, Marking of Articles Made of Silver in Combination with Gold; Jewelers Vigilance Committee; 24 months
PS 69-76, Marking of Articles Made Wholly or in Part of Platinum; Jewelers Vigilance Committee; 2 months
PS 70-76, Marking of Articles Made of Karat Gold; Jewelers Vigilance Committee; 24 months
PS 71-76, Marking of Jewelry and Novelties of Silver; Jewelers Vigilance Committee; 24 months
CS 98-62, Artists Oil Paints; Artists Equity Association, Inc.; 6 months
CS 130-60, Color Materials for Art Education in Schools; the Crayon, Water Color and Craft Insitute, Inc.; 6 months
CS 151-50, Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers and Children (for the Knit Underwear Industry); Mail Order Association of America; 12 months
R 192-63, Crayons and Related Art Materials for School Use (Types, Sizes, Packages and Colors); The Crayon, Water Color and Craft Institute, Inc.; 6 months

The following standard has been replaced by a standard being developed or published by a private standards-writing organization and, therefore, Department of Commerce sponsorship is no longer need for it:

PS 17-69, Polyethylene-sheeting (construction, industrial and agricultural applications); Society of the Plastics Industry

In the absence of any request for retention or maintenance, the following standards are withdrawn:

PS 13-69, Uncorded Slab Urethane Foam for Bedding and Furniture Cushioning
PS 15-69, Custom Contact-Molded Reinforced Polyestyer Chemical-Resistant Process Equipment
PS 23-70, Horticultural Grade Perlite

PS 24–70, Melamine Dinnerware (Alpha-Cellulose Filled) for Household Use
PS 25–70, Heavy-Duty Alpha-Cellulose-Filled Melamine Tableware
PS 27–70, Mosaic-Parquet Harwood Slat Flooring
PS 29–70, Plastic Heat-Shrinkable Film
PS 31–70, Polystyrene Plastic Sheet
PS 34–70, Fluorinated Ethylene-Propylene (FEP) Plastic-Lined Steel Pipe and Fittings
PS 52–71, Polytetrafluorethylene (PTFE)
PS 53–72, Glass-Fiber Reinforced Polyester Structural Plastic Panels
PS 56–73, Structural Glued Laminated Timber
PS 57–73, Cellulosic Fiber Insulation Board
PS 58–73, Basic Hardboard
PS 59–73, Prefinished Hardboard Paneling
PS 60–73, Hardboard Siding
PS 62–74, Grading of Diamond Powder in Sub-Sieve Sizes
CS 138–55, Insect Wire Screening
CS 192–53, General Purpose Vinyl Plastic Film
CS 201–55, Rigid Polyvinyl Chloride Sheets
CS 227–59, Polyethylene Film
CS 245–62, Vinyl-Metal Laminates
CS 257–63, TFE–Fluorocarbon (Polytetrafluorethylene) Resin Molded Basic Shapes
CS 268–65, Hide-Trim Pattern for Domestic Cattlehides
CS 274–66, TFE-Fluorocarbon Resin Sintered Thin Coatings for Dry Film Lubrication
R2–62, Bedding Products and Components

In accordance with § 10.1(e) of the revised Procedures for the Development of Voluntary Product Standards and by agreement with the Consumer Product Safety Commission, the Department will retain sponsorship of the following Voluntary Product Standard for the period of time stated below to allow for arrangements to be made for its sponsorship by a private standards writing organization.

PS 66–75, Safety Requirements for Home Playground Equipment; 12 months

For further information contact Eric A. Vadelund, Office of Engineering Standards, National Bureau of Standards, Washington, D.C. 20234. Telephone: (301) 921–3272.

Dated: January 13, 1982.

Ernest Ambler,

Director.

[FR Doc. 82–1316 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–13–M

National Bureau of Standards' Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet on Thursday, February 25, 1982, from 9:00 a.m. to 1:50 p.m. in Lecture Room 1107, Radio Building, National Bureau of Standards, 325 Broadway, Boulder, Colorado, after which time the Visiting Committee members will meet with a number of NBS scientists in their various offices and laboratories until 4:30 p.m.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Any person wishing to attend the meeting should inform Mrs. Carolyn Goodfellow, Office of the Director, National Bureau of Standards, Washington, DC 20234, telephone (301) 921–2226.

Dated: January 15, 1982.

Ernest Ambler,

Director.

[FR Doc. 82–1382 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–13–M

National Conference on Weights and Measures; Meeting

Notice is hereby given that the interim meetings of the National Conference on Weights and Measures will be held January 25–29, 1982, at the National Bureau of Standards, Gaithersburg, Maryland.

The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States. The interim meetings of the Conference, as well as the annual meeting to be held next July (a notice will be published in the **Federal Register** prior to such meeting), brings together the enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations for the purpose of hearing and discussing subjects that relate to the fields of weights and measures technology and administration.

Pursuant to authority in its Organic Act (15 U.S.C. 272(5)), the National Bureau of Standards acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the States in the complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the States of commercial weighing and measuring.

The public is invited to attend. Additional information concerning the Conference program and arrangements may be obtained from Mr. Albert D. Tholen, Executive Secretary, National Conference on Weights and Measures, National Bureau of Standards, Washington, DC 20234; telephone: (301) 921–2401.

Dated: January 15, 1982.

Ernest Ambler,

Director.

[FR Doc. 82–1428 Filed 1–19–82; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Ad Hoc Committee on Command, Control and Communications Countermeasures (C^3CM) Data Base will hold meetings on February 18, 1982, from 8:00 a.m., to 5:00 p.m., and February 19, 1982, from 8:00 a.m., to 12:00 noon, in the Electronic Security Command Conference Room, Building 2000, Kelly Air Force Base, Texas.

The ad hoc committee will hold classified discussions on (1) the overall systems analysis which is the keystone of the C^3CM data base problem; (2) the design and sizing of the data processing resources, and (3) the interface with existing source data bases maintained by the intelligence and operational communities and with user systems for target applications.

The meetings concern matters listed in section 552b(c), Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings are closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82–1367 Filed 1–19–82; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF ENERGY

Office of Assistance Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Australia

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42

U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale:

Contract Number S-AU-111, to the Australian Atomic Energy Commission, 20 milligrams of thorium-230 for use in the investigation of nuclear fission.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 4, 1982.

Dated: January 13, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-1257 Filed 1-19-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP81-98-001]

ANR Storage Co.; Proposed Change in Gas Tariff

January 13, 1982.

Take notice that on December 30, 1981, ANR Storage Company (ANR) tendered for filing the following revised tariff sheets to reflect a general rate increase:

Original Volume No. 2

Third Revised Sheet No. 8
Fourth Revised Sheet No. 9
Fifth Revised Sheet No. 31
First Revised Sheet No. 31D
Fifth Revised Sheet No. 52
Fourth Revised Sheet No. 53
Fifth Revised Sheet No. 74
First Revised Sheet No. 74D
Fourth Revised Sheet No. 96
First Revised Sheet No. 96D
Fourth Revised Sheet No. 117
First Revised Sheet No. 117C
Third Revised Sheet No. 186
First Revised Sheet No. 186C
Third Revised Sheet No. 187
Third Revised Sheet No. 212
First Revised Sheet No. 212C
Third Revised Sheet No. 213
Third Revised Sheet No. 236
Third Revised Sheet No. 237

Tariff sheets similar to the above noted tariff sheets were included in ANR's rate increase application at Docket No. RP81-98-000, filed with the Commission on July 31, 1981. Pursuant to Ordering Paragraph (B) of the Commission's Order issued August 28, 1981, the tariff sheets proferred were accepted for filing and suspended for the full statutory period of five months until February 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1290 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[CP82-118-000]

Columbia Gas Transmission Corp.; Columbia LNG Corp.; Application

January 13, 1982.

Take notice that on December 16, 1981, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia LNG Corporation (Columbia LNG), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket No. CP82-118-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of an interconnecting tap facility in Charles County, Maryland, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by agreement dated December 2, 1974, Washington Gas Light Company (Washington) assigned certain easements and rights-of-way to Columbia LNG in connection with the construction of Columbia LNG's and Consolidated System LNG Company's (Consolidated LNG) jointly-owned pipeline extending from Cove Point, Maryland, to Loudoun, Virginia. It is stated that the agreement provided Columbia LNG with the option of requiring Washington to provide natural gas service to the right-of-way grantors if so requested. It is further stated that such gas service has been requested for the property of John M. Oren located in Charles County, Maryland.

Specifically, Columbia LNG requests authorization herein for the construction and operation of interconnecting tap facilities to provide a new point of delivery to Columbia, an existing wholesale customer, at which point deliveries would be made to Washington for Columbia's account.

It is asserted that the pipeline tap and interconnection facilities would be constructed by Columbia on the Cove Point to Loudoun pipeline and that Columbia LNG and Consolidated LNG would jointly reimburse Columbia for the cost of the construction. The cost of the construction is estimated at $3,000 to be financed from internally generated funds.

It is stated that the gas delivered by Columbia LNG would be treated as a part of its entitlement from the Cove Point terminal and that the receipts by Columbia and Washington would be within their currently authorized entitlements. It is further stated that if the Cove Point LNG facility is not in operation deliveries to Washington would be accomplished by Columbia delivering the necessary quantities of natural gas to Columbia LNG at Loudoun in exchange for which Columbia LNG would deliver equivalent quantities to Washington for Columbia's account at the point of delivery requested herein.

Any person desiring to be heard or to make any protest with reference to said application should on of before February 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by

sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on is own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1291 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-30-000]

Consolidated Gas Supply Corp.; Proposed Change in Gas Tariff

January 13, 1982.

Take notice that on December 18, 1981, Consolidated Gas Supply Corporation (Consolidated) tendered for filing the following gas tariff sheets to its FERC Gas Tariff:

(1) First Revised Sheet Nos. 91 and 92 and Original Sheet Nos. 92-A through 92-G; and

(2) First Revised Sheet No. 121 and Original Sheet Nos. 121-A through 121-E.

Consolidated states that the tariff sheet identified in (1) reflect amendments in subsections 11.1(e) and 11.1(f) of, and the addition of new subsections 11.1(g) through 11.1(j) to, the September 18, 1958, agreement which is embodied in Consolidated's Rate Schedule LTS, FERC Gas Tariff, Original Volume No. 2. The tariff sheets specified in (2) set forth a new Article XXII to that agreement.

Consolidated requests waiver of the notice requirements of § 154.22 of the Commission's Regulations so that the tariff sheets identified in (1) and (2) above may be allowed to become effective as of January 1 and April 1, 1979, respectively, the dates as of which the contractual provisions embodied therein are effective.

Copies of this filing were served upon Texas Eastern Transmission Corporation, Transcontinental Gas Pipe Line Corporation; moreover, a copy was made available for inspection at Consolidated's offices.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.9, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commisssion in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1292 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-208-000]

Consumers Power Co.; Proposed Tariff Change

January 13, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company ("Consumers Power") on January 7, 1982 tendered for filing proposed changes in its FERC Electric Service Tariff, First Revised Volume No. 1. Consumers Power states that the following wholesale customers in the State of Michigan would be affected by the changes: City of Eaton Rapids, City of Charlevoix, Village of Union City, Edison Sault Electric Company, City of Harbor Springs, City of Marshall, City of Petoskey, Village of Chelsea, City of Portland, City of St. Louis, City of Coldwater, Wolverine Electric Cooperative, Inc., City of Bay City, Southeastern Michigan Rural Electric Cooperative, Inc., Alpena Power Company, City of Lowell, Northern Michigan Rural Electric Cooperative, Inc., City of Hart and City of Hillsdale.

Consumers Power states that the proposed changes would increase annual revenues from jurisdictional sales and service by approximately $4,215,000 or 11.03%, based on the 12-month test period ending December 31, 1982. The filing also provides: 1) A revision of the portion of Electric Facilities Policy (Rule 4) concerning customer deposits, and 2) language changes to clarify provisions governing the application of the Minimum Charge, Maximum Demand, On-Peak Billing Demand, and Transmission Charge for Service from the Delivery Point to Additional Metering Points.

Consumers Power states that, following a period of negotiation with its wholesale customers, all customers assented to the rate increase and other changes to the terms and conditions of service contained in the filing, and join Consumers Power in requesting Commission approval of the Settlement Agreement. Consumers Power states that the requested effective date for the rate increase is June 1, 1982.

Consumers Power states that the increase in rates is necessary because of continuing increases experienced in all elements of cost in the two years subsequent to its last rate filing, and by the need to provide earnings adequate to attract capital to finance Consumers Power's ongoing construction program.

Copies of the filing were served upon Consumers Power's jurisdictional customers and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1293 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-136-000]

Distrigas of Massachusetts Corp.; Application

January 12, 1982.

Take notice that on December 24, 1981, Distrigas of Massachusetts Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP82-136-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of approximately 4 trillion Btu of additional volumes of liquefied natural gas (LNG) for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant purchases LNG from its affiliate Distrigas Corporation (Distrigas) which in turn purchases LNG from SONATRACH. Applicant now proposes to resell on a limited-term basis during the months of February and March of 1982 all the volumes of LNG which may be sold to it by Distrigas.

Applicant avers that the volumes of LNG proposed to be sold in the instant application are in excess of the approximately 37.4 trillion Btu which are certificated for sale to Applicant's customers. Applicant further asserts that these volumes would be sold to certain of Applicant's customers and to new customers pursuant to Applicant's new Rate Schedules GS-1A and TS-1A.

Applicant explains that it has offered these volumes contingent on their availability to its current customers and to other purchasers. It is submitted that Applicant has received commitments for a portion of the volumes as follows:

ALLOCATION OF ADDITIONAL LNG VOLUMES

Customer	Nominations (percent)	Presently estimated quantity (million Btu)
1ST CARGO		
Brooklyn Union	36.4059	436,871
Bay State	25.7213	308,656
South Jersey	4.6476	55,771
Connecticut	6.9735	83,682
Fall River	1.1618	13,942
Valley	.9295	11,154
Haverhill	.7746	9,295
New Jersey Natural	1.2500	15,000
Middleboro	.1450	1,740
Uncommitted	21.9908	263,889
Total	100.0000	1,200,000
2D CARGO		
Bay State	14.7300	427,169
South Jersey	4.6476	134,779
Fall River	1.1619	33,695
Valley	.9295	26,956
Haverhill	.7746	22,463
New Jersey Natural	1.7241	50,000
Middleboro	.0600	1,740
Uncommitted	75.9723	2,203,198
Total	100.0000	2,900,000

Applicant avers that the additional LNG would be received at the Everett, Massachusetts, terminal in early February and March. It is stated that the first cargo in early February is considered a partial cargo of additional LNG in that a portion of that cargo is needed to satisfy previously contracted for requirements. Applicant asserts that the portion of the February cargo which is considered "additional" is estimated to be 1.2 trillion Btu. Applicant further explains that the entire March cargo is considered additional LNG.

Such limited term sale, it is asserted, would enable Applicant to avoid take-or-pay problems it might otherwise encounter.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1294 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-249-000]

Duquesne Light Co.; Compliance Filing

January 13, 1982.

The filing Company submits the following:

Take notice that on January 7, 1982, Duquesne Light Company filed a compliance report pursuant to the Commission's letter dated November 30, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 2, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1295 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5691-000]

Groveton Papers Co.; Application for Preliminary Permit

January 13, 1982.

Take notice that Groveton Papers Company (Applicant) filed on November 25, 1981, an application for preliminary permit pursuant to the Federal Power Act (16 U.S.C. 791(a)-825(r)) for Project No. 5691 to be known as the Red Dam Project located on the Upper Ammonoosuc River near the Town of Northumberland in Coos County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Pascale, Vice President, Groveton Papers Company, c/o Diamond International Corporation, 733 Third Avenue, New York, New York 10017.

Project Description—The proposed run-of-river project would consist of: (1) The Applicant's existing rock crib dam, 275 feet long, creating no storage or pondage but providing 8 feet of head when topped by 6-foot flashboards; (2) a new powerhouse to be constructed on the west bank adjacent to the dam and housing three 87-kW turbine/generator units; (3) a new 1.0-mile long, 4.16-kV transmission line; and (4) appurtenant facilities.

The average annual generation of 1.26 million kWh would probably be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant

estimates the cost of studies under the permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 14, 1982, the competing application itself (see: 18 CFR 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 16, 1982 and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1296 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5697-000]

Lassen Research; Application for Exemption of Small Conduit Hydroelectric Facility

January 13, 1982.

Take notice that on November 27, 1981, Lassen Research (Applicant) filed an application under section 30 of the Federal Power Act (Act) (16 U.S.C. 823(a)), for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Nikola I Powerhouse Project (FERC Project No. 5697) would be located on Lower Boole Ditch Pipeline, a diversion of Diggar Creek in Tehama County, California. Correspondence with the Applicant should be directed to: Mr. Robert W. Lee, Route 1, Box 181, Manton, California 96059.

Purpose of Project—The project would generate electricity from energy currently being dissipated at a pressure-reducing valve in the conduit.

Project Description—The proposed project would consist of: (1) An existing conduit known as the Lower Boole Ditch Pipeline, (2) a powerhouse containing a turbine generator with 30 kW capacity and 175,000 kWh annual energy output; (3) facilities to discharge water back into the pipeline; and (4) appurtenant facilities. The power plant would be operated manually, for base load operation.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before March 22, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1297 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-15-000]

Maine Yankee Atomic Power Co.; Compliance Filing

January 13, 1982.

The filing Company submits the following:

Take notice that on January 6, 1982, Maine Yankee Atomic Power Company filed a rate schedule supplement in compliance with the Commission's order of December 7, 1981. The supplement specifically provides for the segregation of decommissioning funds and incorporates Maine Yankee's proposed $1.8 milion annual charge.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 2, 1982. Comments will be considered by the Commission in determining the appropriate action to be

taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1298 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-35]

National Fuel Gas Distribution Corp.; Proceeding

January 13, 1982.

Take notice that on December 10, 1981, National Fuel Gas Distribution Corporation (National Fuel) filed a letter in response to a letter order of the Commission issued November 13, 1981. In its November 13 letter order, the Commission noted National Fuel's disagreement with Adjusting Entry No. 2 of the Commission Staff's audit of the company's books and records, which concerned National Fuel's failure to record on its books of accounts two previously ordered entries, and requested National Fuel to advise the Commission as to whether it consented to the disposition of the disagreement under the shortened procedures provided for in Part 158 of the Commission's regulations. In its December 10 filing, National Fuel stated its continued disagreement with the Staff's Adjusting Entry No. 2, and consented to the disposition of this matter in accordance with these shortened procedures.

Accordingly, pursuant to § 158.3 of the Commission's regulations, National Fuel, the Commission Staff, and any other interested party shall submit within 30 days of the date of this notice a memorandum of the facts, and separately stated, of the argument relied upon to sustain their positions concerning the matter addressed in Staff's Adjusting Entry No. 2. Responses to these memoranda may be filed within 20 days of the expiration of this 30 day period.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1299 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5367-000]

Platte River Power Authority; Application for Preliminary Permit

January 13, 1982.

Take notice that Platte River Power Authority (Applicant) filed on September 15, 1981, an application for preliminary permit (pursuant to the Federal Power Act; (16 U.S.C. 791(a)-825(r))) for Project No. 5367 known as the Button Rock Water Power Project to be located on North St. Vrain Creek near Lyons, in Boulder County, Colorado, with protions of the project lands to be located within Roosevelt National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John Allum, Executive Engineer, Platte River Power Authority, Timberline and Horsetooth Roads, Fort Collins, Colorado 80525.

Project Description—The proposed project would consist of existing facilities to include: (1) Button Rock Dam, an earthfill structure 210 feet high and 925 feet long with an uncontrolled overflow spillway with crest elevation 6,400 feet m.s.l. located at the north (left) abutment of the dam; (2) Price Reservoir with a storage capacity of about 16,000 acre-feet and a surface area of 220 acres at surface elevation 6,400 feet m.s.l.; (3) intake works and outlet structure; and new project works consisting of (4) a 54-inch diameter penstock about 200 feet long leading from the outlet works to (5) a powerhouse with an installed capacity of 3,380 kW; (6) a short tailrace; (7) a transmission line about 5 miles long (upgrading an existing 7.2 kV line); and (8) other appurtenances. The existing dam is owned by the City of Longmont, Colorado. Applicant estimates annual generation would be 9,500,000 kWh. Project energy would be utilized within the Applicant's own distribution line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $125,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 11, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981)).

The commission will accept application for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice to intent to file an application for license or exemption must be submitted to the Commission on or before March 11, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 11, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before March 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to : Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1300 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5561-000]

Small Scale Hydropower; Application for Preliminary Permit

January 13, 1982.

Take notice that Small Scale Hydropower (Applicant) filed on October 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act (16 U.S.C. 791(a)-825(r))) for Project No. 5561 to be known as the Horse Creek Water Power Project located on Horse Creek in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. M. Baker, Small Scale Hydropower, Suite 1211, Oregon Bank Building, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) A 60-foot long, 6-foot high diversion structure on Horse Creek; (2) a 16,000-foot long, 6-foot diameter diversion conduit; (3) a 900-foot long, 6-foot diameter penstock; (4) a powerhouse with a total installed capacity of 5,000-kw; and (5) a 0.5-mile long transmission line from the powerhouse to an existing 12-kV Lane Electric Cooperative transmission line. The Applicant estimates that the average annual energy production would be 35 million kWh. The project is located within the boundaries of Willamette National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The applicant estimates that the cost of undertaking these studies would be $180,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 17, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 17, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981, as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 17, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 17, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commisison's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1301 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-126-000]

Transcontinental Gas Pipe Line Corp.; Application

January 13, 1982.

Take notice that on December 18, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-126-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Clinton-Newberry Natural Gas Authority (Clinton Newberry), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 9,419 dekatherms (dt) equivalent of natural gas per day on behalf of Clinton-Newberry which Clinton-Newberry would make available to Applicant at the existing points of interconnection between Applicant and Clinton-Newberry by reducing its takes from Applicant. Applicant would transport and redeliver equivalent quantities, less gas retained for compressor fuel and line loss make-up, to Carolina Pipeline Company (Carolina) for the account of Clinton-Newberry at either the Moore or Grover points of delivery between Carolina and Applicant. It is stated that Carolina would, in turn, transport the subject gas on behalf of Clinton-Newberry to the City of Whitmire, South Carolina (Whitmire), a customer of Clinton-Newberry, until such time as Clinton-Newberry completes construction of its own line to Whitmire.

It is stated that the proposed transportation service would be for a term of up to two years beginning on the date of initial deliveries and that the transportation would be interruptible at Applicant's sole discretion and would be subordinate to existing transportation arrangements on Applicant's system and to its deliveries to Carolina under its Rate Schedules CD, AQC, LGA, GSS and WSS.

Applicant states that Clinton-Newberry would initially pay 7.0 cents per dt equivalent for such transportation service and that Applicant would initially retain 0.7 percent per dt equivalent for compressor fuel and line loss make-up.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1302 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-121-005]

Utah Power & Light Co.; Compliance Filing

January 13, 1982.

The filing Company submits the following:

Take notice that on January 8, 1982, Utah Power & Light Company filed a compliance report pursuant to the Commission's letter order dated December 4, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 5, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1304 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-211-000]

Utah Power & Light Co.; Proposed Tariff Change

January 13, 1982.

The filing Company submits the following:

Take notice that Utah Power & Light Company (Utah Power) on January 8, 1982, tendered for filing proposed changes in its FERC Electric Tariff, which would increase rates and charges to firm interstate resale customers in Utah, Idaho and Wyoming by approximately $23,620,000 per year, based on estimated sales for the calendar year 1982.

Utah Power proposes that the higher rates go into effect March 11, 1982. The impact on each of the four rate schedule classifications is shown below:

Rate schedule and voltage	Percentage increase
RS-1 (2.3 kV to 33 kV)	33.64
RS-2 (44 kV to 69 kV)	25.46
RS-3 (138 kV and above)	34.57
RS-4 (138 kV and above;) (extra high load-factor)	43.30
Total firm tariff resale	40.22

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1303 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-52-001 (PGA82-1)]

Western Gas Interstate Co.; Proposed PGA Rate Adjustment (Revised)

January 13, 1982.

Take notice that on December 15, 1981, Western Gas Interstate Company ("Western") filed herein Substitute Eighteenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective on November 1, 1981.

Western states that the filing is in compliance with Ordering Paragraphs (B) and (C) of the Commission's October 30, 1981 Order issued in Docket No. TA82-1-52-000 (PGA82-1, IRP82-1) and that Substitute Eighteenth Revised Sheet No. 3A reflects a reduction of 4.27 cents to Rate Schedule G-N and a reduction of 6.06 cents to Rate Schedule G-S.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1305 Filed 1-19-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2438/T340; PH-FRL-2031-2]

Chlorpyrifos; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for the combined residues of the insecticide chlorpyrifos, [*O,O-*]-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities

wheat, wheat straw, and the fat, meat, and meat byproducts of poultry. A temporary food additive regulation is also being established in or on milling fractions (except flour) of wheat. These temporary tolerances were requested by Dow Chemical Company.

DATE: These temporary tolerances expire October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–2386).

SUPPLEMENTARY INFORMATION: Dow Chemical Co., PO Box 1706, Midland, MI 48640, has requested the establishment of temporary tolerances for the combined residues of the insecticide chlorpyrifos, and its metabolite in or on the raw agricultural commodities wheat at 1.0 part per million (ppm); wheat straw at 3.0 ppm; in fat, meat, and meat byproducts of poultry (except turkeys) at 0.1 ppm; and in fat, meat, and meat byproducts of turkeys at 0.3 ppm. A temporary food additive regulation is also being established at a level of 3.0 ppm in or on milling fractions (except flour) of wheat.

These temporary tolerances will permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 464–EUP–64 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Dow Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire October 27, 1982. Residues in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that these temporary tolerances are not a "Major" rule and therefore do not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted temporary tolerances from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 610–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: January 6, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–1248 Filed 1–19–82; 8:45 am]

BILLING CODE 6560–32–M

[FRL–2033–4]

Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency, Region 9.

ACTION: Sale of Federal land in Rainbow Valley, Arizona, to the State of Arizona for siting a hazardous waste management facility.

SUMMARY: The U.S. Environmental Protection Agency has agreed to voluntarily serve as lead agency to prepare an environmental impact statement on the proposed sale of Bureau of Land Management land to the State of Arizona for a hazardous waste management facility. While the Bureau of Land Management is the agency responsible for the Federal action to be addressed in the EIS, BLM requested that the EPA voluntarily assume the role of lead agency in preparing the EIS because of EPA's expertise in assessing the impacts of hazardous waste facilities.

The hazardous waste management facility proposed by the State of Arizona would be located on Federal land in Section 32, Township 4 South, Range 1 West, Gila and Salt River Base and Meridian in Rainbow Valley, Arizona. The proposed facility may include storage, treatment, processing reclamation, and land disposal of hazardous wastes. The proposed facility will be required to obtain a permit under the Resource Conservation and Recovery Act (RCRA).

Public scoping meetings will be held to identify significant issues to be addressed in the EIS. The meetings will be held at the following times and locations:

Thursday, February 18, 1982, 7:30 p.m., Mobile Elementary School, 14 miles west of Maricopa on the Maricopa/Mobile Road, Mobile, Arizona.

Friday, February 19, 1982, 9 a.m., Arizona Department of Health Services, Conference Room A and B, 4th Floor, 1740 West Adams, Phoenix, Arizona.

Written comments on the significant issues to be addressed in the EIS will be accepted for 45 days from the date of publication of this notice. Send written comments to the address given below. Further information may be obtained by contacting the person specified below.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Flippo, Hazardous Materials Branch, U.S. EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, telephone: (commercial) (415) 974–8241, (FTS) 454–8241.

Dated: January 15, 1982.

Paul C. Cahill, .

Director, Office of Federal Acitivities.

[FR Doc. 82–1359 Filed 1–19–82; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup Meeting

January 11, 1982.

Subgroup 3—Inter-Service Sharing.

Meeting: January 27, 1982, 9:30 A.M.–4:30 P.M. Federal Communications Commission, 1229 20th Street N.W., Room A–106, Washington, D.C.

Agenda: Review drafts of reports from Working Groups 3A, B, C and D in preparation for full Committee Meeting on January 28, 1982.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-1294 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-919, File No. BP-800418AI; BC Docket No. 81-920, File No. BP-810330AH]

Dale A. Owens and Grant and Spillane; Construction Permit; Hearing Designation Order

In re application of Dale A. Owens, Beaverton, Oregon, Req: 1010 kHz, 250 W, Day; BC Docket No. 81-919, File No. BP-800418AI; John E. Grant and Lester W. Spillane, d/b/a Grant & Spillane, Milwaukee, Oregon, Req: 1010 kHz, 250 W, Day; BC Docket No. 81-920, File No. BP-810330AH; Designating applications for consolidated hearing on stated issues.

Adopted: December 17, 1981.

Released: January 8, 1982.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations.

2. *Dale A. Owens.* We are unable to determine whether the proposal of Dale A. Owens would provide 25 mV/m coverage of the central business district of Beaverton, Oregon, as required by § 73.24(j) of the Commission's Rules, and if not whether circumstances exist which warrant a waiver of that section. An issue will be specified.

3. *Grant & Spillane.* Analysis of the financial data Grant & Spillane submitted reveals that $96,130 will be required to construct and operate for three months, itemized as follows:

Equipment	$41,630
Building	1,000
Construction-period leases	3,500
Other construction costs	5,000
Operating costs	45,000
Total	96,130

The applicant proposes to finance the station with $100,000 of the partners' personal funds, according to the partnership agreement to be contributed equally. However, the personal balance sheets submitted do not show sufficient net liquid assets to meet these commitments. In addition, no partnership balance sheet has been submitted. A limited financial issue will be specified.

4. *Other matters.* Both applicants propose service to relatively small suburbs of Portland, Oregon (1980 population 366,383). Owens' proposal for Beaverton (1980 population 30,582) may also provide 5 mV/m service to part of Portland; his technical exhibits do not answer this question. Grant & Spillane's proposal for Milwaukee (1980 population 17,931) clearly would provide such service to most of Portland. Under a policy announced in *Policy Statement on Section 307(b),* 2 FCC 2d 190 (1965), and affirmed in *AM Station Assignment Standards,* 54 FCC 2d 1, 21-22 (1975), a presumption therefore arises that Grant & Spillane, and perhaps Owens, realistically propose to serve Portland rather than Milwaukee and Beaverton. Appropriate issues will be specified.

5. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common. Consequently, in addition to determining pursuant to section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposal of Dale A. Owens would provide 25 mV/m coverage of the central business district of Beaverton, Oregon, as required by § 73.24(j) of the Commission's Rules, and if not whether circumstances exist which warrant waiver of that rule.

2. To determine whether the proposal of Dale A. Owens would provide 5 mV/m service to any part of Portland, Oregon, and if so whether the proposal would realistically provide a local transmission service for Beaverton, Oregon, or for Portland, Oregon.

3. To determine, in the event it be concluded pursuant to Issue 2 that the proposal would not realistically provide a local transmission service for Beaverton, Oregon, whether the proposal meets the technical provisions of the Rules for AM broadcast stations assigned to Portland, Oregon.

4. To determine with respect to Grant & Spillane:

(a) The source and availability of sufficient funds to meet anticipated costs; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine whether the proposal of Grant & Spillane would realistically provide a local transmission service for Milwaukie, Oregon, or for Portland, Oregon.

6. To determine, in the event it be concluded pursuant to Issue 5 that the proposal would not realistically provide a local transmission service for Milwaukie, Oregon, whether the proposal meets the technical provisions of the Rules for AM broadcast stations assigned to Portland, Oregon.

7. To determine the areas and populations which would receive primary service from each proposal and the availability of other primary aural service to such areas and populations.

8. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

9. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

10. To determine in light of the evidence adduced pursuant to the foregoing issues, which application, if either, should be granted.

7. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a writtten appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

8. It is further ordered, that pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division. Broadcast Bureau.

[FR Doc. 82-1281 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

En Banc Meeting Participants Announced

January 11, 1982.

Eleven organizations will participate in the Commission's second *en banc* meeting on January 19. The meeting will be held from 9 a.m. to noon in the Commission meeting room (856), 1919 M St. NW., Washington, D.C.

Participants and the times and topics of their presentations are:

9:00–9:15 A.M.

RURAL TELEPHONE COALITION

Origin and operation of rural telephone industry; unique qualities of rural telephone companies; effect of deregulation on rural telephone companies.

9:15–9:30 A.M.

CONSUMERS UNION

Consumer attitudes toward information technology revolution and principles for managing the transition.

9:30–9:45 A.M.

BROWN, BERNSTEIN AND LONGEST

History, status, benefits and difficulties of private and commercial earth station industry.

9:45–10:00 A.M.

CONVID

Information and perspectives of the public interest aspects of television stations use of satellite and terrestrial common carrier video transmission services.

10:00–10:15 A.M.

ACTION FOR CHILDREN'S TELEVISION

Children's television programming needs, diversity, commercial abuses and new technologies.

10:15–10:30 A.M.

BREAK

10:30–10:45 A.M.

NATIONAL EDUCATION ASSOCIATION

Communications activities and interests of the 12,000 local affiliates of the NEA.

10:45–11:00 A.M.

MULTI-CULTURAL TELEVISION COUNCIL

The effects of television on Black and Brown children.

11:00–11:15 A.M.

COUNCIL FOR UHF BROADCASTING

Technical comparability between UHF and VHF television broadcasting.

11:15–11:30 A.M.

REACT

Enforcement, regulation, administration and licensing of citizen band radio operators.

11:30–11:45 A.M.

AMERICAN ASSOCIATION OF MESBICS

FCC Minority Ownership Policy.

11:45–12:00 Noon

HOWARD UNIVERSITY—SCHOOL OF COMMUNICATION

Minority ownership of radio stations and EEO practices of stations in top four job categories.

This meeting, which is open to the public, is the second in a series to be held under a reinstituted FCC policy. The *en banc* meetings are intended to enable interested persons to directly address the Commission on a variety of communications policy issues and to contribute to FCC decision-making. Dates for future meetings will be announced.

Issued: January 11, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-1279 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-921, File No. BP-801202AH, et al.]

Radio Station WSIB, et al.; Construction Permit, Hearing Designating Order

In re applications of Ronald J. Prohaska and Patricia P. Prohaska, d.b.a. Radio Station WSIB, Beaufort, South Carolina, Req: 1490 kHz, 250 W, 500 W-LS, U; BC Docket No. 81-921, File No. BP-801202AH; Bobby S. Merritt, Mildred L. Merritt, Emil H. Klatt, Jr. and Alice Klatt, Beaufort, South Carolina, Req: 1490 kHz, 250 W, 500 W-LS, U; BC Docket No. 81-922, File No. BP-810206AD; and Vivian Broadcasting Company, Beaufort, South Carolina, Req: 1490 kHz, 250 W, 500 W-LS, U; BC Docket No. 81-923, File No. BP-810209AO; Designating Applications for consolidated hearing on stated issues.

Adopted: December 18, 1981.

Released: January 8, 1982.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) the above-captioned mutually exclusive applications of Prohaska, Merritt-Klatt, and Vivian for regular authority to operate the facilities of former station WSIB;[1] (b) petitions to deny the Prohaska and Merritt-Klatt applications, filed by Vivian; and (c) Merritt-Klatt's opposition.

2. *Vivian's petitions to deny.* Vivian alleges that the Merritt-Klatt application is a strike application, parts of which suggest that the applicant's real purpose is to collect a business debt from Sea Island Broadcasting Corporation of S.C., the disqualified licensee. Vivian claims that Sea Island owes approximately $120,000 to Meritt and Klatt, who are former stockholders of Sea Island. In addition, Vivian states that parts of Merritt-Klatt's application are verbatim copies of Vivian's interim application, thus further evidencing Merritt-Klatt's lack of interest in prosecuting its application. Merritt-Klatt denies the allegation, stating that one of its major purposes is in fact to operate the station once again.

3. In order to promote competition in broadcasting, applicants should feel free to file with the Commission proposals to operate radio stations. Therefore, applications are presumed to have been filed in good faith for the purpose of obtaining construction permits. This presumption may be rebutted by a strong showing that the primary and substantial purpose of the application is to obstruct or delay another proposal or to obtain financial benefit from the prosecution and later dismissal of the application, if the showing is supported by extrinsic evidence of improper motive. See generally *Radio Carrollton,* 69 FCC 2d 1139, 1148–52 (1978). Vivian provides, however, no affidavits or other extrinsic evidence to show that Merritt-Klatt will not construct and operate the station should it receive a construction permit, or that Merritt-Klatt plans to withdraw its proposal upon collecting the business debt.

4. Furthermore, we consider Merritt-Klatt's application to be substantially complete and acceptable for filing, notwithstanding its similarity to parts of Vivian's previously-filed interim application. The allegedly duplicated portions consist only of general programming proposals in Section IV-A of Form 301 (the ascertainment portion is not involved), and of Section V-A, which consists simply of statements that Merritt-Klatt will use the deleted facilities of former station WSIB. Moreover, Vivian has shown no Commission rule prohibiting duplication of another application. While we do not condone such a practice, the appropriate remedy lies in a civil court action.

[1] The Commission revoked the license to operate WSIB because of fraudulent billing of advertisers and the licensee's related misrepresentations to the Commission. *Sea Island Broadcasting Corp. of S.C.,* 60 FCC 2d 146 (1976), *reconsid. denied,* 64 FCC 2d 721 (1977), *aff'd sub nom. Sea Island Broadcasting Corp. of S.C.* v. *FCC,* 627 F. 2d 240 (D.C. Cir. 1980), *cert. denied,* 101 S. Ct. 105 (1980). Since January 21, 1981 Vivian, who is also an applicant for interim operating authority (BPI-801120AK), has provided service under special temporary operating authority. The station's call letters are now WVGB.

Roanoke Christian Broadcasting, Inc., FCC 80-541, Mimeo No. 28080, 47 RR 2d 1067 (Broadcast Bureau, released June 18, 1980). Thus, Vivian has failed to raise sufficient questions to warrant specification of a strike application issue.

5. Regarding its other petition, Vivian complains that Prohaska's refusal to join in the special temporary operation of the station indicates that "[it is] not serious and committed to * * * processing the application for regular authority * * *," and that the applicant is not financially qualified. Vivian's reasoning on the first point is baseless. There is no obligation to propose interim operation in such situations, and thus Prohaska's non-participation in the station's current operation is clearly irrelevant in determining whether Prohaska is qualified for regular operation.[2] Further, Prohaska amended its financial showing, and as discussed below, has satisfactorily demonstrated its financial qualifications.

6. *Initial financial matters.* The last financial report filed by the former licensee of WSIB shows that the station was operating profitably, with 1979 monthly revenues of about $8,000. Continuity of station operations has been provided by Vivian on the basis of special temporary interim authority, and would be maintained by the winning applicant in this proceeding. In these circumstances it is reasonable to expect that the new regular operator would enjoy comparable revenues. Even where the applicants have not done so, therefore, we have taken such monthly revenues into account in assessing their financial qualifications.

7. *Prohaska's proposal.* This applicant estimates costs of $27,000, and would rely on $5,000 existing capital, a $25,000 bank loan, and station revenues. It has not submitted a partnership balance sheet and must do so by amendment. However, we find the bank loan and revenues available and sufficient to cover these costs, so no hearing issue appears warranted. We have no evidence that Prohaska gave public notice of its application, as required by Section 73.3580 of the Rules. It will be required to show its compliance with this rule.

8. *Merritt-Klatt's proposal.* Merritt-Klatt is a partnership of four persons, which indicated in its application that it planned to incorporate "when time permits." If incorporation has occurred, an appropriate updating amendment is required. Otherwise, the terms of the partnership agreement must be filed. Likewise, the birthplaces of the principals must be reported (required by Table I, Section II of Form 301), and the business interests of principal Emil Klatt must be specified (required by Table II).

9. This applicant has failed to indicate what costs it expects to incur during the first three months of operation, and states only that it intends to rely on station revenues for financing. Therefore, a general financial issue must be specified. Also, Merritt-Klatt has not indicated whether it published local notice of its application, and must therefore give evidence that it has.

10. *Vivian's proposal.* Vivian has also not demonstrated its financial ability to operate the station on a permanent basis. Aside from $4,500 in rent due for the first three months of operation, this applicant has not indicated what expenses it will incur during this period. Vivian plans to finance whatever costs are involved with station revenues and $4,000 in existing capital. Without a projection of costs for three months, however, a general financial issues must be specified.

11. Also, this applicant amended its proposal to show its incorporation, but has not filed the corporate documents required by Question 3, Section II of Form 301. Further, we have no indication that it published local notice of its application. Appropriate amendments are therefore required.

12. *Other matters.* Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

13. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Merritt-Klatt is financially qualified to construct and operate the proposed station.

2. To determine whether Vivian Broadcasting Company is financially qualified to construct and operate the proposed station.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, that the petitions to deny that Vivian filed against the Prohaska and Merritt-Klatt applications are denied.

15. It is further ordered, that all three applicants shall file the amendments specified in paragraphs 7, 8, and 11, above, within 30 days after this order is published in the **Federal Register.**

16. It is further ordered, that all three applicants shall publish notice of their applications in accordance with § 73.3580 of the Commission's Rules (if they have not already done so), and shall file statements of publication with the presiding Administrating Law Judge within 40 days after this order is published in the **Federal Register** (on or before March 1, 1982).

17. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

18. It is further ordered, that pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of designation for hearing as prescribed in the rule, and shall advise the Commission of the publication of their notices as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Henry L. Baumann,

Deputy Chief, Broadcast Bureau.

[FR Doc. 82-1282 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[2] Prohaska elected not to prosecute its application for interim operating authority (BPI-801211AH), and that application was dismissed by Commission letter dated October 27, 1981. Merritt-Klatt did not apply for interim operating authority.

[BC Docket No. 81-904, File No. BPCT-800724KF, et al.]

Sixty-One Corp., et al., Construction Permit; Hearing Designation Order

In re applications of Sixty-One Corp., Wilmington, Delaware, BC Docket No. 81-904, File No. BPCT-800724KF; HHL Broadcasting, Inc., Wilmington, Delaware, BC Docket No. 81-905, File No. BPCT-800818KF; Delaware Valley Broadcasters, Inc., Wilmington, Delaware, BC Docket No. 81-906, File No. BPCT-800826KE; Wilmington Channel 61, Inc., Wilmington, Delaware, BC Docket No. 81-907, File No. BPCT-801001KI; Ebony Broadcasting Corporation, Wilmington, Delaware, BC Docket No. 81-908, File No. BPCT-801001KX; Wilmington Communications,

Inc., Wilmington, Delaware, BC Docket No. 81-909, File No. BPCT-801001LE; and Wilmington Broadcasting Company, Wilmington, Delaware, BC Docket No. 81-910, File No. BPCT-801001LF; Designating applications for consolidated hearings on stated issues.

Adopted: December 23, 1981.
Released: January 5, 1982.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Sixty-One Corp. (SOC), HHL Broadcasting, Inc. (HHL), Delaware Valley Broadcasters, Inc. (Delaware Valley), Wilmington Channel 61, Inc. (Wilmington Channel),[1] Ebony Broadcasting Corporation (Ebony), Wilmington Communications, Inc. (Wilmington Communications) and Wilmington Broadcasting Company (Wilmington Broadcasting) for authority to construct a new commercial television broadcast station on Channel 61, Wilmington, Delaware.[2]

Sixty-One Corp.

2. On December 11, 1980, SOC filed an Errata to correct and embellish upon its November 24 amendment. In their oppositions to SOC's Errata, Wilmington Communications, Delaware Valley, and Wilmington Broadcasting argue that SOC has not shown good cause for the filing of the Errata and that several of the changes are not mere typographical errors, but rather, an enhancement of SOC's comparative position filed after the time for amendment as of right passed on November 24. We agree with SOC that the Errata merely corrects typographical and clerical errors or omissions, and will accept its Errata; however, SOC will not be allowed to accrue any comparative advantage it might have incidentally received from the above-specified corrections.

Wilmington Channel 61, Inc.

3. On June 3, 1981, more than seven months after the time for amendment as of right passed on November 24, Wilmington Channel filed a petition for leave to amend its application by specifying lower overall antenna height, a higher gain antenna, and a combination of electrical and mechanical antenna beam tilt. No change in transmitter location or in effective radiated power is proposed. The effect of the amendment would be the directionalization of the applicant's signal away from Baltimore, Maryland, thereby avoiding contour overlap with WBFF(TV) in Baltimore and a one-to-a-market problem. The same principals have interests in both WBFF(TV) and the applicant. Delaware Valley, in its opposition to Wilmington Channel's petition, argues that the amendment was foreseeable and should have been filed earlier and that it would frustrate the Commission's orderly processing procedures to accept it. Although it appears likely that the amendment could have been filed earlier, acceptance of the amendment did not interfere with our pre-designation processing procedures and would eliminate the one-to-a-market problem. Consequently, Delaware Valley's opposition will be denied and Wilmington Channel's petition for leave to amend will be granted.

HHL Broadcasting, Inc.

4. Applicant estimates that it will require $1,495,552 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (lease, down payment)	$615,500
(3 months payment)	156,952
Land	77,000
Building	150,000
Other costs	138,000
Operating costs (3 months)	358,100
Total	1,495,552

To meet these expenses, applicant relies upon $12,000 in existing capital and a net bank loan of $2,887,500 from Chemical Bank. A condition of the loan is that acceptable loan guarantees be obtained from Harvey Seslowsky or other principals of HHL. No statements showing the willingness of Mr. Seslowsky or any of the other principals to guarantee the loan are on file. Therefore, HHL may not rely on the loan to meet its expenses. Accordingly, a financial issue will be specified to determine if applicant will have an additional $1,483,552 available.

Ebony Broadcasting Corp.

5. Applicant estimates that it will require at least $321,264 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (4 months payment)	$122,514
Land (included in operating costs)	
Building	40,000
Legal costs	5,000
Engineering and Installation costs	15,000
Operating costs (3 months)	133,750
Total	321,264

6. Ebony estimates its legal costs at $5,000. This amount seems unreasonably low since this application must be prosecuted in a comparative hearing. Accordingly, an issue will be specified inquiring into whether Ebony's estimate of its legal fees is reasonable.

7. To meet these expenses, Ebony intends to rely on $100,000 in stock subscriptions and $225,000 in receipts from a proposed subscription television (STV) operation. Two individuals, Messrs. Whitehead and Marshall, have subscribed to $25,000 each in stocks. Neither of their balance sheets shows sufficient net liquid assets to meet their commitments. Ebony may only rely on the $50,000 in stocks subscribed by Broadcast Management Corp. Further, the present television financial standard requires an applicant to demonstrate an ability to construct its proposed station and operate it for three months without reliance upon advertising or other broadcast revenues (See footnote 2). *New Financial Qualifications Standard for Broadcast Television Applicants*, 72 FCC 2d 784 (1979). Therefore, Ebony's reliance on $225,000 in STV revenues is misplaced. Accordingly, a financial issue will be specified to determine if Ebony has additional funds, over and above the $50,000 mentioned, to construct its proposed facility.

Wilmington Communications, Inc.

8. Applicant estimates that it will require $1,481,103 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (down payment)	$695,000
(3 months payment)	177,353
Land (lease, payment deferred for one year)	
Building	60,000
Other costs	275,000
Operating costs (3 months)	273,750
Total	1,481,103

[1] Wilmington Channel is 49.9 percent owned by Julian S. Smith and 39.1 percent owned by Commercial Radio Institute, Inc. (CRI). Julian Smith also owns stock in CRI as do his brother Henry and sons Fred, Robert, Duncan and David. CRI has ownership interests in:

WPTT-TV, Pittsburgh, Pennsylvania
WBFF-TV, Baltimore, Maryland
Channel 23, Columbus, Ohio (construction permit granted)
Channel 38, St. Petersburg, Florida (application)
Channel 41, Hartford, Connecticut (application)

In addition, David Smith owns 33 percent of Comark Television, Inc., the applicant for television stations on:

Channel 26, Daytona Beach, Florida
Channel 38, New Orleans, Louisiana
Channel 18, San Juan, Puerto Rico
Channel 51, Portland, Maine
Channel 62, Syracuse, New York

Section 73.636(a)(2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

[2] The applications of SOC and Ebony contemplate operating subscription television (STV) over their proposed facilities. Their applications for STV authorization will not be consolidated for hearing in this proceeding. This is in keeping with the Commission's policy in regard to mutually exclusive applications for a new television station where some contemplate STV operation and others a conventional facility. *Second Report and Order in Docket 21502*, FCC 81-13 (released March 25, 1981).

To meet these expenses, Wilmington Communications will rely upon existing capital of $2,800, a net loan of $1,540,000 and leases for its technical equipment and its transmitter and tower site.

9. Wilmington Communications has entered into an STV franchise agreement with Wilmdel, Inc. (Wilmdel). As part of this agreement, Wilmdel will loan the applicant $1,540,000 and lease to it technical equipment and a site for its tower and transmitter. However, Wilmdel conditioned the availability of the loan and leases on the grant of both the construction permit and the STV authorization. Applicant has not submitted an application for STV and even if it had, an STV authorization is granted independently of the grant of the construction permit. (See footnote 2). Further, Wilmdel failed to submit its balance sheet, as required by FCC Form 301, Section III item 4(b). Since applicant may not rely on Wilmdel as a source of funds, we must assume that it will pay cash for the equipment and land.[3] Therefore, Wilmington Communications will require an additional $2,712,000 plus the cost of the land. Wilmington Communications has shown the availability of $2,800. Accordingly, a financial issue will be specified to determine if applicant has an additional $3,317,950 available, plus the cost of the land.

10. The overall height above ground of the tower specified on FCC Form 301, Section V does not agree with the data filled with the FAA. Therefore, no determination has been reached that the tower height and location proposed would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to HHL Broadcasting, Inc.:

(a) Whether it has an additional $1,483,552 available;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

2. To determine with respect to Ebony Broadcasting Corporation:

(a) Whether the estimate of legal costs is reasonable;

(b) Whether it has sufficient additional funds, over and above $50,000, available to construct and operate as proposed;

(c) Whether, in light of the evidence adduced pursuant to issues (a) and (b), applicant is financially qualified.

3. To determine with respect to Wilmington Communications, Inc.:

(a) The cost of leasing land for 5 months;

(b) Whether applicant has available $3,317,950, plus the cost of leasing the land;

(c) Whether, in light of the evidence adduced pursuant to issue (a) and (b) applicant is financially qualified;

(d) Whether there is a a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation; and

(e) Whether, in light of the evidence adduced pursuant to issue (d), applicant is qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. It is further ordered, that SOC's errata to its amendment of November 24, 1980 is accepted.

14. It is further ordered, that Wilmington Channel's Petition for Leave to Amend is granted.

15. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 3(d).

16. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-1283 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[3] The cost of the lease for the land has not been specified.

[BC Docket No. 81-924, File No. BP-19,871]

WFLI, Inc., WFLI, Lookout Mountain, Tennessee; Has: 1070 kHz, 1kW, 50 kW-LS, DA-2, U, Req: 1070 kHz, 5 kW, 50 kW-LS, DA-2, U; Construction Permit; Designating Application for Hearing on Stated Issues

Adopted: December 7, 1981.

Released: January 8, 1982.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, now considers (i) the above-captioned application of WFLI, Inc. for an increase in nighttime power, (ii) a petition to deny the application filed by Newhouse Broadcasting Corporation, licensee of co-channel station WAPI, Birmingham, Alabama, and (iii) related pleadings.[1]

2. With its petition, Newhouse submitted a computerized stability study which it says shows that WFLI's proposed array would be highly unstable, in that radiation would exceed standard-pattern values with only minor operating-parameter deviations, resulting in objectionable interference to WAPI.[2] Further, petitioner argues, other factors (such as nearby high-voltage transmission lines supported by steel towers, and a high RSS/RMS ratio) indicate instability of the proposed array. WFLI opposes the petition by stating that its nighttime array, as amended, will provide protection to all co-channel stations, and that the utility companies involved have indicated their willingness to relocate nearby utility lines at WFLI's expense. WFLI promises to underwrite such changes if instability or objectionable interference arises after construction.

3. Our own computer studies show that the proposed nighttime array is

[1] The related pleadings include WFLI's opposition to the petition, Newhouse's reply, Newhouse's statement regarding a WFLI amendment, and both parties' requests for extension of time to file pleadings. The requests are hereby granted and the pleadings accepted.

[2] As Newhouse alleges that WFLI's proposal would cause objectionable interference to WAPI's service area, we find that petition has standing as a party in interest within the meaning of section 309(d) of the Communications Act of 1934, as amended. *FCC* v. *National Broadcasting Co., Inc.*, 319 U.S. 239 (1943).

inherently sensitive to minor parameter variations. For example, we find that with variations as small as 0.5-percent current ratio deviation and 0.5° phase deviation, radiation in the direction of WAPI would exceed the specified standard radiation values. (Our benchmarks are 1%/1° for generally stable arrays and 0.1%/0.1° for highly unstable arrays; between these extremes we consider arrays on a case-by-case basis. See *Home Service Broadcasting Corp.*, 68 FCC 2d 1135 (1978).)

4. However, a determination of stability involves consideration of factors both internal and external to an array. Other indications of instability here include an RSS/RMS ratio of 2.28, mountainous terrain near the site, a public road through the array, and remaining uncertainty as to the location and proximity of power lines near the array. We are therefore unable to determine that the proposed array can be adjusted and maintained within the proposed standard pattern. Consequently, exploration of the proposed operation at hearing is required.[3]

5. Applicant's local notice of its application did not describe the towers that will be required for its proposal. To remedy this deficiency, WFLI will be required to broadcast a corrected local notice and to file the required statement with the Commission.

6. Except as indicated by the issue specified below, WFLI, Inc. is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to determine that grant of this application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing.

7. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the antenna system proposed by WFLI, Inc. can be adjusted and maintained within the proposed limits of radiation.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

8. It is further ordered, that the petition to deny Newhouse Broadcasting Corporation filed against the application is granted to the extent indicated above, and is denied in all other respects, and that Newhouse Broadcasting Corporation is made a party to this proceeding.

9. It is further ordered, that WFLI, Inc. shall file the amendment indicated in footnote 3, above, within 30 days after this order is published in the **Federal Register.**

10. It is further ordered, that WFLI, Inc. shall rebroadcast a corrected local notice of its application as required by § 73.3580 of the Rules, and shall file a statement of broadcast with the presiding Administrative Law Judge within 30 days after this order is published in the **Federal Register.**

11. It is further ordered, that in the event of a grant of the application, the construction permit shall contain the following conditions:

An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample-current deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample current of each element in the array, to insure maintenance of the radiated fields within the authorized values of radiation.

Upon receipt of operating specifications and before issuance of a license, permittee shall submit the results of observations made daily of the base currents and their ratios, relative phases, sample currents and their ratios, and sample-current deviations for each element of the array, along with the final amplifier plate voltage and current, the common-point current, and field strengths of each monitoring point for both nondirectional and directional operations for a period of at least 30 days, to demonstrate that the array will be maintanied within the specified tolerences.

12. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) and (e) of the Commission's Rules, the parties shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

13. It is further ordered, that pursuant to section 311(a) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicant shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of the publication of its notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-1280 Filed 1-19-82; 8:45 am]

BILLING CODE 6712-01-M

[3] Applicant's June 4, 1980 amendment modifying the antenna system neglected to include a vertical sketch of the towers as required by Section V-A of FCC Form 301. The application must be amended to include this information.

FEDERAL MARITIME COMMISSION

[Docket No. 82-5]

Belco Petroleum Corp. v. Compania Peruana de Vapores (Peruvian State Line); Filing of Complaint and Assignment

Notice is given that a complaint filed by Belco Petroleum Corporation against Compania Peruana de Vapores (Peruvian State Line) was served January 12, 1982. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William B. Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1368 Filed 1-19-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-4]

Belco Petroleum Corp. v. Lykes Bros. Steamship Co., Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Belco Petroleum Corporation against Lykes Bros. Steamship Co., Inc., was served January 12, 1982. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William B. Harris. Hearing in this matter, if any is

held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-1372 Filed 1-19-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-3; (Agreement Nos. 9984-23 and 10270-2)]

South Atlantic-North Europe Rate Agreement and Gulf European Freight Association; Order of Investigation

The ocean carriers participating in the South Atlantic-North Europe Rate Agreement (SANE) and the Gulf Europe Freight Association (GEFA) have requested approval of amendments which would extend the expiration dates of their organic agreements for 18 months (SANE) and for an indefinite period (GEFA).[1] By separate order, the Commission has granted temporary approval to these amendments pending an investigation into the intermodal ratemaking activities which would be conducted thereunder.

The Commission has reason to believe that continuation of intermodal ratemaking authority within the United States would be inconsistent with the standards for approval under section 15 of the Shipping Act, 1916 (46 U.S.C. 814) in the case of both SANE and GEFA. Specifically, the materials submitted by the Proponents in conjunction with the instant amendments do not demonstrate whether the Proponents presently offer intermodal service within the United States or are otherwise likely to conduct intermodal ratemaking in a manner which satisfies the criteria set forth in *Australia-New Zealand Conference (Agreement No. 6200-20—Intermodal ratemaking)*, 21 S.R.R. 89 (1981). *See also Japan/Korea Atlantic & Gulf Freight Conference (Agreement No. 3103-67)*, 20 S.R.R. 1173 (1981).

Analysis of the Agreements is hindered by a lack of information from Proponents revealing the nature and scope of the intermodal activities contemplated in Europe and in the United States. The GEFA Agreement does not include all-water service from U.S. South Atlantic ports and therefore may not appropriately encompass intermodal service from U.S. Gulf Coast points via U.S. South Atlantic ports. The SANE Agreement, which does cover all-water service from U.S. South Atlantic ports, appears to be seeking intermodal ratemaking authority limited to "interior point" service and therefore would exclude intermodal service to U.S. "coastal points." [2]

Control of minilandbridge rates by a conference offering all-water service at the cost of origin (*e.g.*, GEFA) has a greater anticompetitive potential than control by the conference serving the coast of transshipment and requires an extra measure of justification. *Mediterranean/North Pacific Coast Freight Conference (Agreement No. 8090-18—Intermodal Ratemaking)*, 21 S.R.R. 86 (1981). *See also Pacific Westbound Conference (Agreement No. 57-96—Intermodal Ratemaking)*, 19 F.M.C. 291, 296-297 (1976). On the other hand, if minilandbridge service is not being offered under the SANE Agreement, some explanation for this failure to serve a significant segment of the intermodal market (*see Board of Commissioners v. Seatrain International, S.A.*, 18 S.R.R. 763 (1978)) should be forthcoming. The overlap between the geographic scope of Agreements Nos. 9984-23 and 10270-2 makes it particularly important for the Commission to ascertain the intended interrelationship between the two Agreements and evaluate their *combined* competitive effect, as well as the competitive effect of each separate Agreement.

At a minimum, modifications in the Agreements appear necessary in order to describe with specificity the types of intermodal transportation services that will be involved.[3] *See Drayage Service Under Agreement No. 2846*, 19 S.R.R. 1441 (1980). Vague and ambiguous agreements are subject to disapproval. *E.g., Pacific Coast European Conference—Rules 10 and 12*, 14 F.M.C. 266 (1971); *North Atlantic Outbound-European Trade (Agreement No. 9448)*, 10 F.M.C. 299, 306-308 (1967); *Mediterranean Pools Investigation*, 9 F.M.C. 264, 294-296 (1966).

Accordingly, an investigation is necessary to: (1) Determine exactly what types of intermodal services Proponents have offered to date, both in Europe and in the United States; (2) determine what additional intermodal activities would be engaged in if the Agreements were approved; and (3) develop other factual information relevant to a full and informed assessment of the Agreements' competitive impact and their continued approvability under the *Svenska* doctrine, as applied to intermodal ratemaking in *Agreement No. 6200-20, supra.*[4] In light of this evidence, the investigation will consider whether the amendments extending the GEFA and SANE Agreements should be approved, disapproved or modified.

Therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), an investigation is instituted to examine the factual and legal issues described above; and

It is further ordered, that this matter is assigned for hearing and decision to the Commission's Office of Administrative Law Judges, with a public hearing to be held at a date and place hereafter determined by the Presiding Administrative Law Judge but in no event later than the time limitation set forth in Rule 61 (46 CFR 502.61). This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a

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[1] The participants in Agreement No. 9984-17 through 23 are: Sea-Land Service, Inc., and United States Lines, Inc. The participants in Agreement No. 10270-2 are: Gulf Europe Express; Hapag-Lloyd, A.G.; Lykes Bros. Steamship Co., Inc.; and Sea-Land Service, Inc. These ocean carriers will be collectively referred to as the "Proponents." The SANE Agreement covers the trade between: U.S. South Atlantic ports and interior points via such ports; and ports in the United Kingdom, Northern Ireland, Eire, Continental Europe (Bordeaux/Hamburg range), Poland, and Scandinavia, except that the United Kingdom, Northern Ireland and Eire are excluded from the westbound trade. The GEFA Agreement covers the trade from U.S. Gulf ports and interior points via such ports to Continental European (Bordeaux/Hamburg range), Scandinavian, and Baltic Sea ports and interior points via such ports.

[2] The term "point" may encompass both "interior" and "coastal" points (*i.e.*, port communities). The term "interior" or "inland" point usually excludes "coastal" points. Intermodal service involving overland transportation from coastal points located along one U.S. port range with transshipment to an ocean vessel at a second U.S. port range is commonly called "miniland-bridge" service. Intermodal service involving overland transportation from coastal points located along one U.S. port range with transshipment to an ocean vessel at the same U.S. port range is known as "alternate port" service.

[3] *E.g.*, A definition of "interior point" is absent from both Agreements.

[4] The *Svenska* doctrine is the proposition affirmed in *Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968), whereby section 15 agreements which interfere with the policies of the antitrust laws will be disapproved as "contrary to the public interest" unless justified by evidence establishing that the agreement, if approved, will meet a serious transportation need, secure an important public benefit or further a valid regulatory purpose of the Shipping Act, 1916. The burden is on the proponents of such agreements to come forward with the necessary evidence.

showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that oral hearing and cross-examination are necessary to develop an adequate record; and

It is further ordered, that the Commission's Bureau of Hearings and Field Operations is a party to this proceeding and the ocean carriers participating in Agreement Nos. 9984–23 and 10270–3 are designated as Respondents herein; and

It is further ordered, that persons other than those named herein having an appropriate interest and desire to participate in this proceeding may petition for leave to intervene pursuant to § 502.72 of the Commission's Rules (46 U.S.C. 502.72); and

It is further ordered, that this order be published in the **Federal Register** and a copy served upon all parties of record; and

It is further ordered, that all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record.

By the Commission.[1]

Francis C. Hurney,

Secretary.

South Atlantic-North Europe Rate Agreement (Agreement No. 9984–23) Gulf European Freight Association (Agreement No. 10270–2)—Order of Investigation

Commissioner Richard J. Daschbach, dissenting.

In the instant Order, the Commission continues its retreat from its earlier position of strong support for collective intermodal authority at a time when the need for continued technological innovation and intermodal development in the liner shipping industry is increasing.

The Commission has approved over 40 conference intermodal agreements in the past, but the unduly rigorous and speculative criteria for approval espoused in *Australia-New Zealand Conference (Agreement No. 6200–20—Intermodal Ratemaking)* 21 S.R.R. 89 (1981) and applied in subsequent Commission decisions indicate a diminishing willingness to approve concerted intermodal ratemaking, a clear repudiation of earlier Commission pronouncements.

The criteria enunciated in *Agreement No. 6200–20, supra,* are an exercise in interventionist regulation, reflecting an effort by the Commission to substitute its judgment for that of regulated parties on such clearly commercial matters as selection of appropriate routes for intermodal traffic and assessment of "commercially attractive" rates, two issues over which the Commission has no statutory authority.

Rather than telling private industry how to conduct its operations under unduly restrictive constraints, the Commission should be listening to the liner shipping industry's requests for more flexible regulatory approaches to modern transportation strategies. With this Order of Investigation, the Commission has now gone beyond denial of applications for new intermodal authority and begun contemplating rescission of intermodal authority it granted in the past, even for unprotested agreements such as the ones here.

I again urge the Commission to give credibility to its avowed support for intermodalism by establishing fair, reasonable, and relevant criteria for evaluating applications for intermodal authority. The Order of Investigation here is a further impediment rather than a stimulus to achieving this objective.

[FR Doc. 82–1373 Filed 1–19–82; 8:45 am]

BILLING CODE 6730–01–M

[1] Commissioner Richard J. Daschbach dissents and issues a separate opinion.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Performance Review Board; Membership

Notice is hereby given in accordance with 5 U.S.C. 4314 of a revision in the membership of the Federal Mediation and Conciliation Service Performance Review Board for fiscal year 1982. The revision consists of the appointment of a new Alternate member. The Performance Review Board accordingly consists of the following persons:

Bernard M. O'Keefe, Director, Central Region, Chicago, Illinois, Chair—one year.

John C. Zancanaro, Director, Office of Policy and Resource Management, Washington, D.C., Three years.

Richard D. Williams, Director, Western Region, San Francisco, California, Two years.

Tally R. Livingston, Director, Southern Region, Atlanta, Georgia, Alternate.

Kenneth E. Moffett,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 82–1390 Filed 1–19–82; 8:45 am]

BILLING CODE 6732–01–M

Senior Executive Service; Scheduled Date for Performance Awards

The Office of Personnel Management requires that each agency publish a notice in the **Federal Register,** at least 14 days in advance, stating the date scheduled for payment of Senior Executive Service performance awards. The Federal Mediation and Conciliation Service intends to issue its performance awards on or about February 5, 1982.

Kenneth E. Moffett,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 82–1391 Filed 1–19–82; 8:45 am]

BILLING CODE 6732–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Mobil Oil Exploration and Producing Southeast Inc.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3973 and 4411, Blocks 645 and 646, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 12, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-1374 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Transco Exploration Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3546, Block 58, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Developments and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 12, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-1375 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-31-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS); Availability

AGENCY: Geological Survey, Interior.

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Atlantic OCS.

SUMMARY: The USGS in accordance with Federal regulations (40 CFR Section 1501.4 and Section 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the USGS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for which environmental documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/Activity, Location and FONSI Date

Gulf/Exploration Plan, OCS Block 145 and 188 (143 miles southeast of Nantucket Island, North Atlantic); Nov. 25, 1981.

Superior/Exploration Plan, OCS Blocks 142 and 274 (135 miles southeast of Nantucket Island, North Atlantic); Jan. 15, 1982.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on Atlantic OCS are encouraged to contact the appropriate offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Conservation Manager, Offshore Field Operations, Atlantic OCS Region, U.S. Geological Survey, 1725 K Street NW., Suite 213, Washington, D.C. 20006, (202) 254-7870, FTS 8-254-7870.

District Supervisor, North Atlantic District, Atlantic OCS Region, U.S. Geological Survey, Mary Dunn Road, Barnstable Municipal Airport/East Ramp, Hyannis, Massachusetts 02601, (617) 771-8506.

FOR COPIES CONTACT: Records Management Section, U.S. Geological Survey, 1725 K Street NW., Suite 213, Washington, D.C. 20006, (202) 634-6615, FTS 8-634-6615.

There will be a charge for the reproduction of these documents.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Paul E. Martin,

Acting Regional Conservation Manager Atlantic OCS Region.

[FR Doc. 82-1345 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Coal Management; Miles City District, Montana; Unsuitability Criteria

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public comment period.

SUMMARY: Notice is hereby provided to announce a public comment period on the application of unsuitability criteria on approximately 252,000 acres of federal coal in Garfield, Prairie, Custer, and Fallon Counties, Montana. This notice is in accordance with 43 CFR 3461.3-1(a) (2), Coal Management, Federally Owned Coal.

DATES: The comment period is open until April 7, 1982, and will include public meetings in Forsyth, Terry and Baker, Montana, at 8 p.m., March 1, 2 and 3, respectively.

ADDRESS: Written comments may be addressed to the District Manager, Miles City District, West of Miles City, P.O. Box 940, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: Management framework plans covering the public land in the Jordan-North Rosebud and New Prairie planning areas have been released by the Miles City District to make six federal coal areas available for further lease consideration. The plans include the application of unsuitability and small scale maps displaying those areas:

a. To which a criterion would apply;

b. To which a criterion or criteria cannot be applied pending collection of data prior to any lease sale EIS or during activity planning.

Large-scale maps and overlays depicting the same information in more detail are available for public inspection at the Miles City District Office and will be available for public inspection at the Miles City District Office and will be

available in Forsyth, Terry and Baker during the public meetings. Copies of the Management Framework Plans are also available at the Miles City District Office. The plans also contain multiple use analysis, and surface owner consultation sections and the overall document is open to public comment through the period.

Ray Brubaker,

District Manager.

[FR Doc. 82-1366 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 16034, OR 18083, OR 19861]

Oregon; Order Providing for Opening of Public Lands

1. In exchanges of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following lands have been reconveyed to the United States:

Willamette Meridian

T. 14, S., R. 11 E.,
Sec. 36, S½.
T. 17, S., R. 14 E.,
Sec. 15, SW¼SW¼ and W½W½ SE¼SW¼;
Sec. 16, N½, N½S½, and WS¼SW½;
Sec. 17, E½ ;
T. 19, S., R. 14 E.,
Sec. 25, S½SW¼SW¼ and SE¼SW¼.
T. 19, S., R. 16 E.,
Sec. 14, S½SW¼ and SW¼SE¼;
Sec. 15, S½SE¼;
Sec. 22, SE¼;
Sec. 23, W½NE¼ and SE¼NE¼.
T. 20, S., R. 18 E.,
Sec. 5, N½.
T. 24, S., R. 15 E.,
Sec. 16;
Sec. 20, SE¼NE¼;
Sec. 21, N½N½, SW¼NE¼, and S½NW¼.
T. 31, S., R. 18 E.,
Sec. 36, W½.
T. 20, S., R. 16 E.,
Sec. 16, NE¼, NE¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼.

The areas described aggregates 3,790 acres in Deschutes and Lake Counties, Oregon.

2. At 10 a.m., on February 22, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on February 22, 1982, will be considered as simultaneously filed at that time. Those receives thereafter will be considered in the order of filing.

3. All minerals in the following land were and continue to be in the United States ownership. The land has been and continues to be open to operation of the United States mining laws and the mineral leasing laws.

Willamette Meridian

T. 19, S., R. 16 E.,
Sec. 14, S½SW¼ and SW¼SE¼;
Sec. 15, S½SE¼;
Sec. 23, W½NE¼ and SE¼NE¼.

4. All minerals in the following land were reserved and are not under the United States jurisdiction. The land has not been and will not be open to operation of the United States mining laws and the mineral leasing laws.

Willamette Meridian

T. 31, S., R. 18 E.,
Sec. 36, W½.

5. At 10 a.m., on February 22, 1982, the lands described in paragraph 1, except as provided in paragraphs 3 and 4, will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 8, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-1363 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 19462]

Oregon; Order Providing for Opening of Public Lands

1. In an exchange the lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 9 S., R. 13 E.,
Sec. 17, Lot 1 East;
Sec. 20, Lots 1, 3, 4, and 5 East, except those portions of said Lot 4 East conveyed to Will H. See by instruments recorded September 2, 1914 in Crook County Deed Book 34, Page 166 and in Jefferson County Deed Book 3, Page 128, recorded November 18, 1917;
Sec. 29, Lot 1 East and NE¼NW¼;
Sec. 30, Portions of lots 2, 3, 4, and 5 East, as described in deed recorded May 12, 1980, in Book 65, Page 136, Records of Jefferson County, Oregon.
T. 7 S., R. 14 E.,
Sec. 29, Lots 2, 3, 4, 5, and SE¼SE¼, except those portions as described in deed recorded May 13, 1980, under Micro Film No. 801355, Records of Wasco County, Oregon.
T. 9 S., R. 14 E.,
Sec. 5, Lot 4, SW¼NE¼, and SE¼NW¼, except those portions as described in deed recorded May 12, 1980, in Book 65, Page 136, Records of Jefferson County, Oregon;
Sec. 6, Lot 1, except those portions conveyed to Deschutes Home Owners' Association by instruments recorded April 29, 1964, in Book 37, Page 305, and recorded February 24, 1965, Book 38, Page 246, Records of Jefferson County, Oregon.

The areas described aggregate approximately 476.13 acres in Jefferson and Wasco Counties, Oregon.

2. At 10 a.m., on February 26, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 26, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. All minerals in the lands are not owned by the United States.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 12, 1982.

Champ C. Vaughan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-1364 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 15446(WASH), OR 17299(WASH)]

Washington; Order Providing for Opening of Public Lands

1. In exchanges of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following lands have been reconveyed to the United States:

Willamette Meridian

T. 15 N., R. 25 E.,
Sec. 1.
T. 16 N., R. 25 E.,
Sec. 33, S½SW¼, SE¼, and that portion of the N½SW¼ lying southerly of a line beginning at the northeast corner of the SW¼ of Sec. 33, thence southwesterly in a straight line to the southwest corner of the NW¼SW¼ beign the terminus of said line;
Sec. 35, S½N½ and S½.
T. 15 N., R. 26 E.,
Sec 1, Lots 2, 3, and 4, S½N½, and S½ Except those strips of land in Lots 2 and 3 and the SE¼NE¼ conveyed to the Chicago, Milwaukee, and St. Paul Railway Company of Washington by deed recorded April 1, 1907, at Book 32, Page 413, Records of Douglas County, Washington and by deed recorded

October 16, 1907, at Book 34, Page 161, Records of Douglas County, Washington:
Sec. 3, S½;
Sec. 5, S½N½ and S½.
T. 10 N., R. 32 E.,
Sec. 5, S½NE¼, N½SE¼NW¼, SE¼SE¼NW¼,SW¼NE¼SW¼, S½NW¼SW¼, S½SW¼, and SE¼.

The area described aggregate approximately 3,168.96 acres in Grant and Franklin Counties, Washington.

2. At 10 a.m., on February 22, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on February 22, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. All minerals in T. 15 N., R. 25E., and T. 15 N., R..26 E., were reserved and are not under the jurisdiction of the United States

4. One-half interest in all minierals in T. 16 N., R. 25 E., was reserved and is not under the jurisdiction of the United States.

5. At 10 a.m., on February 22, 1982, the lands described in paragraph 1, except as provided in paragraphs 3 and 4, will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 8, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-1365 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

Intent To Amend Existing Management Framework Plans To Include Wilderness Studies

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to complete planning amendments.

SUMMARY: In accordance with 43 CFR 1601.3, notice is given that the Bureau of Land Management in the State of Utah intends to incorporate wilderness study procedures into a series of planning amendments within individual districts.

The amendments will constitute the first phase of a two-phase process to determine which wilderness study areas within the State of Utah should be recommended to Congress for wilderness designation. During the planning amendment process, each WSA will be analyzed on a site specific or individual basis to determine impacts or ramifications of wilderness designation or non-designation.

The second phase will be a statewide environmental impact statement which will examine the cumulative impacts of designation or non-designation of various combinations of wilderness/non-wilderness proposals.

Planning amendments will be conducted in the following districts and resource areas:

Cedar City District

Escalante R.A.
Kanab R.A.
Dixie R.A.
Beaver River R.A.

Richfield District

House Range R.A.
Warm Springs R.A.

Moab District

San Juan R.A.
Grand R.A.
Price River R.A.
San Rafael R.A.

Vernal District

Book Cliffs R.A.

The general issues related to the wilderness study which have been identified at this time include: 1) Impacts to the social and economic structures of local communities, 2) impacts to natural resource values and uses with designation or non-designation, 3) the quality of an area's wilderness values, 4) consistency with state and local land use plans and policies, and 5) manageability of the area as wilderness.

The following wilderness planning criteria and quality standards, as outlined in the BLM's wilderness study policy, have been tentatively identified as decision factors to resolve issues in the planning amendments. These decision factors will be used by BLM to analyze alternatives and recommend wilderness study areas as suitable, partially suitable, or unsuitable for wilderness designation.

Decision Factors

1. wilderness quality values
2. Manageability of individual units as wilderness
3. Energy and critical mineral resource values
4. Impacts on other resources
5. Impact of non-designation on wilderness values
6. Public comment
7. Local social and economic effects
8. Consistency with other plans

Disciplines to be represented on the interdisciplinary teams preparing the planning amendments may be: range, minerals, wildlife, archaeology, land use planning, socioeconomics, hydrology, recreation, and wilderness.

Public inut is invited to identify additional issues related to the wilderness study areas and/or the planning criteria. Comments will be accepted until February 26, 1981. Other public participation activities will be conducted in accordance with the Wilderness Act (Pub. L. 88-577) and with 43 CFR Part 1601. Other public participation activities will be conducted in accordance with the Wilderness Act (Pub. L. 88-577) and with 43 CFR Part 1601. Dates, times, and locations will be announced through local media and mailings to interested parties.

The following individuals may be contacted for further information regarding this amendment process:

Utah State Office

Kent Biddulph, Wilderness Coordinator, 136 E. South Temple, Salt Lake City, Utah 84111, Phone (801) 524-5326

Cedar City District

Dave Everett, Planning Team Leader, 1579 North Main, P.O. Box 724, Cedar City, Utah 84720, Phone (801) 586-2401

Richfield District

Ed Bovy, Outdoor Recreation Planner, 150 East 900 North, P.O. Box 768, Richfield, Utah 84701, Phone (801) 896-8221

Moab District

Daryl Trotter, Chief, Planning and Environmental Staff, 125 West 2nd South Main, P.O. Box 970, Moab, Utah 84532, Phone (801) 259-6111

Vernal District

Dave Moore, Chief, Planning & Environmental Staff, 170 South 500 East, Vernal, Utah 84078, Phone (801) 709-1362

Documents relative to the planning amendment process and wilderness study may be reviewed at any of the district offices listed above during regular office hours.

Dated: January 11, 1982.

Roland Robison,

State Director.

[FR Doc. 82-1265 Filed 1-19-82; 8:45 am]

BILLING CODE 4310-84-M

[Exchange CA 12119]

Public Lands in Humboldt County California; Realty Action

The following described public land has been determined to be suitable for

disposal under the provisions of Pub. L. 91–476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067), and Sec. 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

Humboldt Meridian

T. 1 S., R. 3 E.,
Sec. 4, SE¼NW¼;
Containing 40 acres.

The Pacific Lumber Company, Scotia, California 95565, has filed an application to acquire the above described land in exchange for the following described privately owned lands.

Humboldt Meridian

1. Parcel 37, as shown on the Record of Survey for Shelter Cove Ranchos for Saltair Land Company, filed August 11, 1969, in Book 25 of Survyes, Pages 5 through 11 inclusive Humboldt County Records.

Excepting and Reserving Therefrom 50 percent of all oil, gas and other mineral and hydrocarbon substances below a plane 500 feet beneath the surface thereof, but without the right of surface entry thereto.

Containing 40 acres.

2. Lot 13, Block 151 of Tract 42, Shelter Cove Subdivision, as per Map thereof filed in Book 14 of Maps, Pages 73 through 138 inclusive, Humboldt County Records, which Map was corrected by Correction Map filed in Book 15 of Maps, Pages 64 through 116 inclusive, Humboldt County Records.

Containing 0.15 acres.

3. The Northwest Quarter of the Northeast Quarter of Section 13, Township 5 South, Range 1 East, Humboldt Meridian.

Containing 40 acres.

4. Those portions of Lot 5 and the Northwest Quarter of the Southeast Quarter of Section 4, Township 5 South, Range 1 East, Humboldt Base and Meridian, described as follows:

Lot 18, as shown on the Record of Survey of Shelter Cove Ranchos on file in Book 25 of Surveys, Pages 5 through 11, Humboldt County Records.

Containing 40 acres.

5. The Northeast Quarter of the Northwest Quarter of Section 27, Township 4 South, Range 1 East, Humboldt Meridian.

Containing 40 acres.

The mineral estate of the public land will be conveyed with the surface. Tracts 1, 2, and 4 of the private lands are subject to a previously reserved 50% interest in all oil, gas and other hydrocarbons. The remaining 50% mineral interest in Tracts 1, 2, and 4 will be conveyed with the surface, as will the minerals in Tracts 3 and 5.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consummated before the end of that period.

There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

The purpose of the exchange is to acquire non-Federal land within the King Range National Conservation Area, is in conformance with Bureau planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Ukiah District Office, BLM, 555 Leslie Street, Ukiah, California 95482.

For a period of 45 days from the first publication of this notice (through March 8, 1982), interested parties may submit comments to the California State Director, Bureau of Land Management, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification, this realty action will become the final determination of the Bureau.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

January 11, 1982.

[FR Doc. 82–1264 Filed 1–19–82; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

McGee Creek Project, Oklahoma; Intent To Prepare Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a supplement to the Final Environmental Statement for the McGee Creek Project, Oklahoma (INT FES 78–32, November 8, 1978). The McGee Creek Project, Atoka County, Oklahoma, is a surface water resource development planned to meet expanding municipal and industrial water needs of Oklahoma City and part of south-central Oklahoma. The purpose of the supplement is to address the impact of changes in the land acquisition concepts related to project development.

The original concept included acquisition of about 29,940 acres of land in fee title for development of McGee Creek reservoir including 18,900 acres for natural scenic recreation and wildlife management areas. However, the Fiscal Year 1982 Appropriation Act (Pub. L. 97–88) "provided that mineral and subsurface interests shall be acquired by subordination in the conservation pool area of the reservoir, natural scenic recreation area, and the wildlife management area in such a manner as to allow the present mineral owners, their successors, and assignees the right to explore for and extract minerals under restrictions required to protect the project."

The supplement will address plan changes necessary to protect the integrity of the project and allow mineral resource development in the wildlife and scenic areas. The degree of potential mineral development is not yet known.

The Bureau of Reclamation plans to meet with interested individuals, organizations, and agencies to identify significant environmental issues that should be included in the supplement. Reclamation expects to have the supplement complete and available for review and comment late this year (1982). Additional public meetings will be held at that time.

Information may be obtained and input to the draft supplement provided by contacting Mr. Al Hill, Regional Environmental Affairs Officer, Bureau of Reclamation, Commerce Building, 714 South Tyler Street, Amarillo, Texas 79101, telephone 806–378–5463 or FTS 735–5463.

Dated: January 12, 1982.

Jed D. Christensen,

Acting Commissioner.

[FR Doc. 82–1272 Filed 1–19–82; 8:45 am]

BILLING CODE 4310–09–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Main Floodway Divisor Dike, Mercedes, Tex.; Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council of Environmental Quality Regulations, and the Agency's "Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969," dated September 2, 1981, the Agency hereby gives notice that an environmental impact statement is not found necessary and none will be prepared for the proposed granting of a license to the Hidalgo County Drainage

District No. 1 to construct a structure through the existing Main Floodway Divisor Dike near Mercedes, Texas in order to increase the diversion of first flows in the Main Floodway to the Arroyo Colorado Floodway from 1,500 cfs to 2,000 cfs before flows begin down the North Floodway. The proposed work would enlarge an existing facility which is part of the Lower Rio Grande Flood Control Project.

An environmental assessment was prepared; the findings conclude that the proposed action does not constitute a major federal action which would cause significant local, regional or national impact on the environment.

Proposed Action

The proposed diversion structure through the Divisor Dike would be located adjacent to an existing diversion structure near the upper end of the dike and would consist of two ungated reinforced concrete openings, each five feet by five feet. The existing 410-foot long intake channel from Llano Grande Lake to the existing and proposed structure will be widened; discharge will be into the existing low flow channel on the Arroyo Colorado side of the divisor dike. The first 400 feet of the downstream channel will be widened and rock riprap will be placed on it and on the channel bank immediately upstream of the structure. The low flow channel downstream from the riprapped area will be widened an average of 39 feet for a distance of 12,200 feet. The channel excavation totals about 141,400 cubic yards and involves about 10.5 acres of farmland being taken out of production. Excavated material will be placed along the outside of the Arroyo Colorado levees and in low areas which are not wetlands within the floodway so as to assure there will not be a loss of floodway capacity.

Environmental Assessment

An environmental assessment has been made. Extensive coordination, including public meetings participated in by the United States Section, was conducted by the Corps of Engineers during their preparation of environmental impact statements on the Hidalgo County Drainage District application for a permit on the County Flood Control and Major Drainage Improvements and the Corps' Lower Rio Grande Basin, Texas, Flood Control and Major Drainage Project. Use was made of this extensive current information in preparing this environmental assessment. Importantly, these documents showed no significant adverse impacts in Arroyo Colorado for increasing first flows from 1,500 to 2,000 cfs.

Findings of Assessment

The findings of the assessment are that the proposed action would not have a significant environmental impact for the following reasons:

1. Construction of the proposed facility will require about 10.5 acres of farmland to be taken out of production but other lands are available for irrigation, and this proposed land use will not adversely impact wildlife.
2. No historical or archeological sites will be impacted.
3. No wetland or riparian habitat areas will be impacted.
4. No endangered faunal and no endangered floral species are present that would be impacted by the proposed action, nor will any habitat critical for the continued existance of an endangered species be impacted.
5. No refuges, parks or recreation areas will be affected.
6. Lands draining to the Arroyo Colorado will not be impacted by the small increased diversion to Arroyo Colorado which will occur about once every 1.5 years.
7. Additional flow will not adversely affect the Arroyo Colorado banks through Harlingen.
8. Aquatic life resources will not be adversely impacted by the diversion.
9. Lands along Arroyo Colorado will not be flooded, but flooding of lands adjacent to the North Floodway in Hidalgo, Cameron and Willacy Counties would occur if the additional 500 cfs were not diverted to Arroyo Colorado. Cities which drain to Main Floodway will have a portion of their local flooding problem alleviated with the proposed action.
10. The Corps of Engineers Navigation Project, Channel to Harlingen, would not be perceptibly affected.

Alternatives Considered

Alternatives considered in the assessment were: (1) Granting the license as applied for, i.e., the proposed action; (2) Grant the license with conditions; and (3) Denial of the license application. With Alternative 2 it was determined that there were no appropriate viable conditions available to modify the license. Alternative 3 would prohibit the constuction as proposed and most of the 500 cfs added to the Main Floodway would flow down North Floodway. This alternative would remedy a flooding problem in cities along Main Floodway, but would result in increased flooding to urban and agricultural areas which drain to North Floodway, and would be unacceptable to persons in those areas.

Conclusion and Determination

The finding of the environmental assessment of this action is that the proposed action does not constitute a major federal action which would cause significant local, regional or national impact on the environment. As a result of this finding, Mr. J. F. Friedkin, United States Commissioner, Head of the Agency, has determined that the preparation and review of an environmental impact statement are not needed for this action. An environmental impact statement will not be prepared unless additonal information which may affect this decision is brought to our attention within thirty (30) days of the date of this notice.

FOR FURTHER INFORMATION CONTACT:
Frank P. Fullerton, Legal Adviser, International Boundary and Water Commission, United States Section, 4110 Rio Bravo, El Paso, Texas 79902, 915–543–7393 FTS 572–7393.

Signed at El Paso, Texas this eleventh day of January 1982.

Frank P. Fullerton,

Legal Adviser.

[FR Doc. 82-1273 Filed 1-19-82; 8:45 am]
BILLING CODE 4710-03-M

INTERSTATE COMMERCE COMMISSION

Commission Press Release Summary; Extension of Time for Submission of Comments

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed procedural change; extension of time for submission of comments.

SUMMARY: On December 28, 1981, at 46 FR 62717, the Commission published a notice proposing to cut agency costs by restricting press box service and advise-of-all-proceedings participation. A daily Press Release Summary would be available, by subscription, to anyone desiring the service. In response to comments, the comment period is extended.

DATES: Proposed effective date March 1, 1982. Comments Due January 28, 1982. Comments must be in writing.

ADDRESS: Press Release Summary, Room 2215, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202–275–0956; Edward Fernandez, 202–275–7591.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: January 15, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1495 Filed 1–19–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–141 appearing on page 354 in the issue for Tuesday, January 5, 1982, make the following correction:

On page 354, in the third column, the paragraph for Totem Transit Co. now beginning "MC 13703 (Sub-4)" should have read "MC 113703 (Sub-4)".

BILLING CODE: 1505–01–M

[Volume No. OP2–076]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

[Editorial Note—An incorrect version of this document, FR Doc. 82–492, appears in issue of January 8, 1982 at 47 FR 1047. The correct text is reprinted in full below.]

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 145203 (Sub-12) (republication), filed May 22, 1981, published in the FR of June 10, 1981, and republished this issue. Applicant: REITZEL TRUCKING CO., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. A decision of the Commission, *Division 2,* decided December 11, 1981, and served December 16, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting (1) *food and related products,* between points in Ohio, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, and *auto parts,* between those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (3) *buildings and building materials,* between points in Scotland County, NC, and Knox County, IL, on the one hand, and, on the other, points in Ohio, (4) *scrap metals* between points in Ohio, Indiana, Tennessee, and New Jersey, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (5) *chemicals and related products,* betwen points in Henry County, KY, Essex County, NJ, and Lucas County, OH, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and (6) *lumber and wood products,* between points in Alpena County, MI, Lucas County, OH, Elkhart County, IN, and Wilkes County, NC, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310). The purpose of this republication is to broaden the scope of authority.

MC 109633 (Sub–53) (republication) filed May 21, 1981, published in the **Federal Register** of June 10, 1981, and republished this issue: Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. A decision of the Commission, *Division 1,* decided November 23, 1981, and served November 30, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting *household appliances,* between points in Calhoun County, AL, Los Angeles County, CA, Knox and Williamson Counties, IL, Fayette County, IN, and Bradley County, TN, on the one hand, and, on the other, points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310). The purpose of this republication is to broaden the scope of authority.

[FR Doc. 82–492 Filed 1–7–82; 8:45 am]

BILLING CODE 1505–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating

authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 12, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14521, filed December 5, 1980. Transferee: BOND TRANSPORTATION, INC. (Bond), 155 Smith St., Keasbey, NJ 08832. Transferor: Tar Asphalt Trucking Co., Inc. (TAT) (same address). Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068. Authority sought, as amended, to merge TAT (MC-123801) into Bond (MC-141843), and for Cramer Management Corp. (CMC) and in turn, John Cramer, John R. Cramer, and Wendy Cramer, who control CMC, to acquire control of TAT's rights and properties through the transaction. CMC also controls AC Berwick Transporters, Inc. (MC-113041). See prior FR notice of December 24, 1980. Condition: Joinder in the application by John R. Cramer and Wendy Cramer.

MC F-14775, filed January 4, 1982. PARIS MOTOR FREIGHT, INC. (Paris) (P.O. Box 1787, Ft. Smith, AR 72902)—Purchase—Prentice Truck Line, Inc. (Prentice) (3701 Spradling, Ft. Smith, AR 72914). Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036. Paris seeks authority to purchase the interstate operating rights of Prentice. Bill Pointer, the majority stockholder of Paris, seeks authority to acquire control of said rights through this transaction. Authority sought for the purchase by Paris of all of the operating rights of Prentice set forth in Certificate Nos. MC-30059 and MC-30059 (Sub-Nos. 5, 9, and 10), authorizing the transportation of *general commodities* (with usual exceptions), over specified regular routes as follows: (1) Between Stigler, OK, and Ft. Smith, AR, (2) between Spiro, OK, and Ft. Smith, AR, (3) between Muskogee and Stigler, OK, (4) between Muskogee and Tulsa, OK, (5) between Ft. Smith, AR, and Tulsa, OK, (6) between junction U.S. Hwy 59 and OK Hwy 51, and junction OK Hwy 51 and U.S. Hwy 62, (7) between junction OK Hwy 9 and U.S. Hwy 59 and Muskogee, OK, (8) between junction U.S. Hwy 64 and OK Hwy 82 and Muskogee, OK (9) between junction U.S. Hwy 64 and OK Hwy 100 and junction OK Hwys 10A and 82, (10) between junction OK Hwys 100 and 10A and junction OK Hwys 10A and 10, (11) between Ft. Smith, AR, and Jackson, MS, (12) between Ft. Smith, AR, and Houston, TX, (13) between Houston, TX, and New Orleans, LA, (14) between Shreveport and Baton Rouge, LA, (15) between Ft. Smith, AR, and Dallas, TX, (16) between Shreveport, LA, and Dallas, TX, and (17) between Shreveport, LA, and Lake Charles, LA. And, authorizing the transportation of named commodities over irregular routes as follows: (1) *cotton,* from points in Sequoyah, Muskogee, Haskell, Pittsburg, Latimer, and Le Floure Counties, OK, to Ft. Smith, AR; (2) *cottongin machinery, parts, accessories, tool boxes, cotton bagging and ties,* from Ft. Smith, AR, to the above listed counties in OK, (3) *cottonseed meal and cake,* from McAlester, Shawnee, Durant, Ada, Ardmore, OK, and Ft. Smith, AR, to points in that part of KS on and east of a line beginning at the OK-KS State line and extending along U.S. Hwy 81 to Newton, KS and on and south of a line beginning at Newton, KS, and extending along U.S. Hwy 50-S to junction U.S. Hwy 50 near Baldwin City, KS, then along U.S. Hwy 50 to Kansas City, KS, and (4) lumber, from points in Saline County, AR, to points in that part of OK on and east of U.S. Hwy 77, those in that part of KS on and east of U.S. Hwy 75 and on and south of U.S. Hwy 50.

Notes.—(1) TA has been filed. (2) Paris holds authority from this Commission under MC-128709. (3) Paris proposed to tack its authority and transferor's regular-route authority at Ft. Smith, AR, and Dallas, TX.

MC F-14761, filed December 21, 1981. FAST FREIGHT, INC. (Fast) (9651 S. Ewing Avenue, Chicago, IL 60617)—Control—Cole Freight Company (Cole) (12805 Seneca Road, Palos Heights, IL 60463). Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Fast seeks authority to acquire control of Cole through the purchase of Fast of all the issued and outstanding capital stock of Cole. Charles Peterlin, Raymond Peterlin, Jr. and Robert Peterlin, the individuals in control of Fast, seek authority to acquire control of the operating rights and property of Cole through the transaction. Fast is a motor common carrier pursuant to authority issued in MC-123272 and Sub number thereunder, is under common control with Peterlin Cartage Co., a motor common carrier under Docket MC-67450 and Subs thereto. Cole is a motor common carrier under Docket MC-145223 and Sub 1, authorized to transport specified commodities over irregular routes between specified points and places in an area of the United States generally east of the Mississippi River and in and north of the States of Tennessee, West Virginia, Pennsylvania and New Jersey and Delaware. No TA application has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1324 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs

Decided: January 13, 1982.

In our recent decisions an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.1-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All

owner-operators are to receive compensation at this level.

No change is authorized in the 6.7 percent surcharge for bus carriers, the 3.1 percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m. January 15, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

January 11, 1982.

APPENDIX—FUEL SURCHARGE

Base Date and Price for Per Gallon (Including Tax)

January 11, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

January 11, 1982 ..... 131.3¢

	Transportation preformed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
Average percent: fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.1	3.1	6.7	[3] 2.9
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 11, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 82-1327 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OP2-11A]

Motor Carriers Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: January 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC F-14778, filed January 4, 1982. ENTERPRISE TRUCK LINE, Inc., (Applicant) of 7336 W. 15th Ave., Gary, IN 46406—Continuance in control—Detroit Refrigerated Express, Inc. (Detroit), (same address as above). Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603, (312) 263-1600. Applicant, sole shareholder of Detroit, seeks authority to continue in control of Detroit upon institution by Detroit of operations, in interstate and foreign commerce, as a motor common carrier. Harold E. Antonson and Michael E. Kibler, persons in control of applicant, seek approval to acquire control of said rights and property through the transaction. Applicant is a motor common carrier pursuant to authority issued in MC-123194 and Subs thereto. Antonson and Kibler also control Southern Refrigerated Transportation Co., (control approved in MC-F-13676) which holds authority in Docket No. MC-119792 and Subs thereto, and MC-145454 and Subs thereto, and Eastern Refrigerated Express, Inc. (approval of control pending in MC-F-14733), which seeks authority in Docket No. MC-153703.

Note.—Detroit has filed as a directly related application, its initial common carrier application, docketed MC-155772, published in the same **Federal Register** issue.

[FR Doc. 82-1326 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 220]

Motor Carriers; Permanent Authority Decisions Restriction Removals Decision-Notice

Decided: January 13, 1982.

The following restriction removal

applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed with 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 72465 (Sub-12)X, filed November 16, 1981, and previously noticed in the **Federal Register** of December 7, 1981, republished as corrected this issue. Applicant: DANIELS TRANSPORTATION CO., INC., 91 Mechanic Street, Lebanon, NH 03766. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Lead, subs 7, 8, 9 and Sub E–1 as previously published and as follows: Broaden: lead and Subs 7, 8 and El, household goods to "household goods, furniture and fixtures"; lead, to radial authority; Sub E–1, Lebanon, NH and points in NH and VT within 25 miles of Lebanon to Grafton, Sullivan and Merrimick Counties, NH and Windsor, Rutland and Orange Counties, VT. The purpose of this republication is to correct omissions.

MC 102567 (Sub-258)X, filed December 23, 1981. Applicant: MCNAIR TRANSPORT, INC., 13403 Northwest Freeway, #130, Houston, TX 77040. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Lead and Subs 105, 109, 114, 117, 119, 121, 124, 125, 127, 128, 130, 131, 133, 136, 137, 139, 140, 142, 143, 145, 146, 147, 148, 149, 151, 152, 155, 160, 163, 169, 173, 174, 175G, 176, 177, 185, 190, 193, 194, 196, 197, 198, 201, 202, 204, 209, 212, 213, 215, 218, 221, 222, 228, 233, 234, 236, 238, 239, 240, 242, 243, 244, 248, 250, 251, 252, and 253. (I) broaden (1) to "chemicals and related products" from (a) chemicals, except those sold for use as fertilizers, in Sub 105, (b) ammonium nitrate, urea, fertilizer, fertilizer ingredients, anhydrous ammonia and acids in Sub 109, (c) chemicals (except liquid oxygen, liquid hydrogen, etc.) in Sub 114, (d) ammonium nitrate, urea, fertilizer, fertilizer materials and fertilizer ingredients in Sub 117, (e) chemicals and anhydrous ammonia in Sub 119, (f) liquid synthetic resins in Sub 121, (g) dry urea in Sub 125, (h) sulfuric acid and phosphatic fertilizer solution in Sub 127, (i) dry fertilizer and dry fertilizer ingredients in Sub 128, (j) dry chemicals in Sub 130, (k) chemicals in Subs 133, 198, 212, 213, 236, 240, and 243, (l) sulfuric acid in Sub 136, (m) liquid chemicals, except naval stores, and naval store products in Sub 137, (n) liquid acids and chemicals in Sub 139, (o) liquid bromine in Sub 140, (p) liquid chemicals in Subs 142, 151, 176, 248, and 250, (q) liquid weed killing compounds in Sub 146, (r) antifreeze preparations, glycols, glycol ethers, jet fuel anti-icing agents and motor fuel anti-knock compounds in Sub 147, (s) spent hydrofluoric acid in Sub 163, (t) muriatic acid in Sub 169, (u) rosin sizing in Sub 173, (v) liquid chemicals (except cryogenic liquids, liquid bromine, etc) in Sub 190, (w) liquid ferric sulfate and liquid oranic floculants in Sub 193, (x) sodium salt solutions in Subs 196 and 215, (y) muriatic acid in Sub 197, (z) liquid hydrochloric acid in Subs 202 and 204, (aa) ethyl chloride and methyl chloride in Sub 218, (bb) liquid hydrobromic acid in Sub 221, (cc) liquid plastic resins and glycols in Sub 222, (dd) calcium bromide in Sub 244, (ee) crude tall oil, anhydrous ammonia, dry urea, phosphatic fertilizer solutions and fertilizer compounds, in lead, (2) "petroleum, natural gas and their products" from (a) propane, butane and propane/butane mixes in Sub 124, (b) petroleum and/or petroleum products in Subs 143, 174, 228, 234, 238, 239, and 252, (c) petroleum lubricating oil in Sub 152, (d) petroleum wax in Subs 155 and 160, (e) petroleum products (except liquiefied petroleum gases), petroleum and petroleum products, liquefied petroleum gases, lubricating oils and aviation fuels, and liquid petroleum wax in lead and Sub 175G, (3) to "food and related products" from (a) molasses in Sub 122, (b) brominated vegetable oil in Sub 149, (c) black strap molasses and black strap molasses mixtures in Sub 209, (d) molasses based liquid animal feed in Sub 242; (4) to "pulp, paper and related products" from (a) liquid paper and pulp mill products, by-products and derivatives in Sub 131, (b) pulp mill liquid in Sub 251, (c) sulfate black liquor skimmings, in lead; (5) to "ores and minerals" from (a) bauxite in Sub 148; (b) potable water, in lead; (6) to "waste or scrap materials" from (a) spent hardwood cooking liquor in lead, (b) waste petroleum sulfide in Sub 201, (c) waste water in Sub 233; (7) to "chemicals and related products, petroleum, natural gas and their products" from chemicals and petroleum products in Sub 177, (8) to "chemicals and related products," "food and related products" and "petroleum, natural gas and their products" from paint, stains and varnishes, black strap molasses and mixtures thereof, and petroleum products, respectively, in Sub 185; (9) to "petroleum, natural gas and their products" and "chemicals and related products" from various petroleum products and liquid petrochemical descriptions, respectively, in Sub 194; (II) broaden facility, point or imaginary line geographic authorizations to county-wide authorizations: (1) lead and Sub 175G from points in TX within 150 miles of Henderson, TX to Grayson, Fannin, Lamar, Red River, Bowie, Denton, Collin, Hunt, Delta, Hopkins, Franklin, Titus, Morris, Camp, Cass, Tarrant, Dallas, Rockwall, Kaufman, Van Zandt, Rains, Wood, Upshur, Marion, Harrison, Johnson, Ellis, Bosque, Hill, Navarro, Henderson, Smith, Gregg, Rusk, Panola, Limestone, McLennan, Freestone, Anderson, Cherokee, Nacogdoches, Shelby, Falls, Milam, Robertson, Leon, Houston, Angelina, San Augustine, Sabine, Brazos, Burleson, Madison, Trinity, Grimes, Walker, Polk, Tyler, Jasper, Newton, Washington, Montgomery, San Jacinto, Waller, Harris, Liberty, Jefferson, Orange and Hardin Counties, TX; from points in LA within 150 miles of Henderson, TX to Caddo, Bossier, Webster, Clairborne, Union, Bienville, Lincoln, Ouachita, Jackson, De Soto, Red River, Caldwell, Sabine, Natchitoches, Winn, La Salle, Vernon, Rapides, Beauregard, Allen and Calcasieu Parishes, LA; from points in AR within 150 miles of Henderson, TX to Union, Columbia, Lafayette, Miller, Ouachita, Nevada, Hempstead, Howard, Little River and Sevier Counties, AR; (2) lead, (a) from points in LA beyond 150 miles of Henderson and South of U.S. Hwy 84 to La Salle, Catahoula, Concordia, Rapides, Avoyelles, Allen, Calcasieu, Cameron, Jefferson Davis, Evangeline,

Arcadia, St. Landry, Vermilion, Lafayette, St. Martin, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, West Baton Rouge, East Baton Rouge, Livingston, Iberville, Ascension, Iberia, Assumption, St. James, St. John the Baptist, St. Charles, Lafourche, Terrebonne, Jefferson, Orleans, St. Bernard, and Plaquemines Parishes, LA; (b) Calcasieu and St. Charles Parishes, LA (Lake Charles and Desterhan); Caddo, Bossier and Webster Parishes, LA (Shreveport, Bossier City and Cotton Valley) and points in and south of Milam, Burleson, Washington, Waller, and Harris Counties, TX (points in TX which are south of and more than 150 miles from Henderson, TX); Crittenden County, AR and Shelby County, TN (West Memphis, AR); Faulkner and Perry Counties, AR (Conway); Laclede, Wright, Douglas, Ozark, Pulaski, Texas, Howell, Phelps, Dent, Iron, Madison, Stoddard, New Madrid, Pemiscot, Dunklin, Butler, Ripley, Oregon, Shannon, Carter, Reynolds, and Wayne Counties, MO (points in MO within 200 miles of Conway, except points on and west of MO Hwy 5); Bossier and Webster Parishes, LA (Cotton Valley and 10 miles of Cotton Valley); Shelby, Fayette and Tipton Counties, TN and Desoto, and Marshall Counties, MS and Crittenden County, AR (Memphis, TN and points in TN within 10 miles of Memphis); Calcasieu, Jefferson Davis and Cameron Parishes, LA (Lake Charles and 10 miles thereof); and remove the restriction against service from West Charles, LA to Benton, Carlisle, Dermott, DeWitt, Dumas, Fourdache, Gardin, Hamburg, Lake Village, Little Rock, Malvern, Monticello, Norman, Pine Bluff, Sheridan, Star City, Stuttgart and Warren, AR; points in Calcasieu Parish, LA (West Lake Charles); points in Saline, Ouachita, Lonoke, Faulkner, Perry, Johnson, Chicot, Arkansas, Desha, Union, Dallas, Crawford, Sebastian, Clark, Ashley, Pulaski, Hot Spring, Montgomery, Drew, Conway, Logan, Jefferson, Pope, White, Grant, Lincoln, and Bradley Counties, AR (Benton, Camden, Carlisle, Conway, Clarksville, Dermott, DeWitt, Dumas, El Dorado, Fourdyce, Fort Smith, Gurdin, Hamburg, Junction City, Lake Village, Little Rock, Malvern, Norman, Monticello, Morriltion, Paris, Pine Bluff, Russellville, Searcy, Sheridan, Smackover, Star City, Stuttgart, and Warren, AR); Calcasieu, Jefferson Davis, and Cameron Parishes, LA (Lake Charles and points within 10 miles thereof); points in TX in and south of Milam, Burleson, Washington, Waller, and Harris Counties, TX, and east of a line beginning at the U.S.-Mexico boundary and extending along U.S. Hwy 77 to the Oklahoma state line (points in TX more than 150 miles from Henderson, TX and east U.S. Hwy 77); Webster Parish, LA (Springhill) Forrest and Lamar Counties, MS (Hattiesburg); Ouachita County, AR (Camden); Morehouse Parish, LA (Bastrop); Adams County, MS (plantsite approximately 3 miles south of Natchez); Morehouse Parish, LA (Bastrop); Ouachita County, AR (Camden); Harrison County, TX (Waskom); Sebastian County, AR (Camp Chaffee); Jefferson, Orange and Hardin Counties, TX. (Chaison); Ashley and Hot Springs Counties, AR (pumping station within 7 miles of Malvern and within 5 miles of Wilmot); and points in AR (except points south and west of points in Union, Ouachita, Nevada, Hempstead, Howard, and Sevier Counties, AR) (points in AR except those located within 150 miles of Henderson, TX; remove restrictions against service from Dubach and Hilly, LA to Conway and Batesville, AR and from Dubach, Hilly, Cotton Valley, Benton, Hosston and Superior, LA to Batesville, Conway, Paragould, Jonesboro, Blytheville, Monticello, West Memphis, Pocahontas and Reyno, AR; broaden to Union County, AR, Webster Parish, LA, Harrison County, TX, Caddo Parish, LA, and Franklin and Titus Counties, TX, (El Dorado, AR, Cotton Valley, LA, Waskom and Mt. Plesant, TX); Ouachita County, AR (Camden); Jefferson County, AR (Pine Bluff); Webster Parish, LA and Adams County, MS (Springhill, LA and 3 miles south of Natchez, MS); Webster Parish, LA (Cotton Valley); Union County, AR (Norphlet); Ashley County, AR (Crossett); Webster Parish, LA (Springhill); Jefferson County, TX (Port Arthur); Orange, Jefferson and Hardin Counties, TX (Chaison); Jefferson Parish, LA (Avondale); St. Charles Parish, LA (plantsite 4 miles north of Hahnville); Morehouse Parish, LA (Bastrop); Union County, AR (Newell); Hardin, Jefferson, and Orange Counties, TX (Beaumont); Calcasieu, Allen, Jefferson Davis and Cameron Parishes, LA (Lake Charles and points within 10 miles thereof); Jefferson and Ouachita Counties, AR (Pine Bluff and Camden); (3) Subs 105 and 243, St. Charles Parish, LA (Taft); (4) Sub 109, Phillips County, AR (Phillips County); (5) Sub 114, Ascension, St. James, Assumption, Iberville, West Baton Rouge and East Baton Rouge Parishes, LA (Geismar, LA and points within 15 miles thereof except Baton Rouge and Plaquemines, LA and their commerical zones as defined by the Commission); (6) Sub 117, Craighead County, AR (Jonesboro); Chico County, AR (Dermott); (7) Sub 119, St. Charles Parish, LA (Luling); (8) Sub 121, Jefferson Parish, LA (Avondale); Jefferson, Ouachita, Ashley, and Conway Counties, AR and Morehouse, Webster and Jackson Parishes, LA (Pine Bluff, Camden, Crossett, and Morrilton, AR, and Bastrop, Springhill, and Hodge, LS); (9) Sub 124, St. Bernard, Plaquemines, Jefferson and Orleans Parishes, LA (Chalmettee); (10) Subs 125 and 139, Jefferson Parish, LA (Avondale); (11) Sub 127, St. James Parish, LA (Union Sam); (12) Subs 128 and 149, Union County, AR (El Dorado); (13) Subs 130, 143, 176, 218, and 234, West Baton Rouge, East Baton Rouge, Iberville, Ascension, and Livingston Parishes, LA (Baton Rouge); (14) Sub 131, Washington Parish, LA and Pearl River County, MS (Bogalusa, LA); (15) Sub 133, St. John The Baptist Parish, LA (Garyville); (16) Sub 136, Caddo Parish, LA (Gayles); (17) Sub 137, Beauregard and Vernon Parishes, LA (De Ridder); (18) Subs 140 and 151, Columbia County, AR (plantsite in Columbia County); (19) Sub 142, Iberville Parish, LA (Plaquemines); (20) Sub 145, Caddo and Bossier Parishes, LA (Shreveport); (21) Sub 146, Terrebonne and Lafourche Parishes, LA (Schriever); Kleberg County, TX (Kingsville); (22) Sub 147, Jefferson, Orange, and Hardin Counties, TX (plantsite at Beaumont); (23) Sub 148, Jefferson and Orleans Parishes, LA (Marrero), Jefferson County, AR (Pine Bluff), Gulf County, FL (Port St. Joe) and Warren County, MS (Redwood); (24) Sub 152, Union County, AR (Norphlet); (25) Subs 155, 160 and 244, Hardin, Orange and Jefferson Counties, TX (Beaumont); (26) Sub 163, Muskogee and Sequoyah Counties, OK (Gore); (27) Sub 169, Iberia Parish, LA (Weeks); (28) Sub 173, Webster Parish, LA (Springhill) and Warren County, MS and Madison Parish, LA (Vicksburg, MS); (29) Sub 174, St. James Parish, LA (St. James); (30) Sub 185, Jefferson and Orleans Parishes, LA (Marrero and Gretna), Union County, AR (Norphlet), and Erie County, NY (Bowmansville); (31) Sub 190, Columbia County, AR (Magnolia); (32) Sub 193, St. Tammany Parish, LA (Pearl River); (33) Subs 196 and 204, Brazoria, Fort Bend, Waller, Harris, Montgomery, and Chambers Counties, TX (Houston); (34) Sub 197, Harris County, TX (Deer Park); (35) Sub 198, Independence County, AR (Magness); (36) Sub 202, St. Charles Parish, LA (Norco); (37) Sub 209, Jefferson and Orleans Parishes, LA (Westwego); (38) Sub 212, Ouachita Parish, LA (Rilla); (39) Sub 213,

Galveston County, TX (Texas City); (40) Sub 215, Adams County, MS and Concordia Parish, LA (Natchez, MS); (41) Sub 221, Union County, AR (El Dorado) and Jefferson County, TX and Harrision County, MS (Viterbo, TX and Gulfport, MS); (42) Sub 222, Drew County, AR (Monticello); (43) Sub 233, Phillips County, AR and Tunica County, MS (West Helena, AR) and Tulsa, Creek, Osage, Rogers and Wagoner Counties, OK (Tulsa); (44) Subs 236 and 252, Calcasieu Parish, LA (Lake Charles); (45) Sub 238, Shelby, Fayette and Tipton Counties, TN, DeSoto County, MS, and Crittenden County, AR (Memphis, TN); (46) Sub 239, Phillips and Union Counties, AR and Tunica County, MS (Helena and El Dorado, AR); (47) Sub 240, Harrison County, TX (Marshall); (48) Sub 242, Jefferson and Orleans Parished, LA (Gretna); (49) Sub 248, Brazoria and Galveston Counties, TX (Chocolate Bayou and Texas City); (50) Sub 250, Orange and Victoria Counties, TX (Orange and Victoria); III, change all one-way to radial authority; remove: (1) in bulk, in tank vehicles restriction wherever they appear; (2) originating at and destined to restrictions in Subs 105, 109, 114, 119, 124, 128, 133, 136, 137, 142, 143, 145, 176, and 213; (3) restriction against the transportation of commodities in bags to points in the St. Louis commercial zone in Sub 117; (4) restriction against the transportation of petrochemicals to points in named states in Sub 119, (5) ex-rail restriction in Sub 143, (6) restriction against the transportation of petrochemicals to points in PA in sub 145, (7) restriction against the transportation of liquefied petroleum gases to points in MS and points in Baldwin and Mobile Counties, AL and dry chemicals to points in seven Texas counties in Sub 174.

MC 117589 (Sub-77)X, filed December 28, 1981. Applicant: PROVISIONERS BROKERAGE, INC., 3801 7th Ave. S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Sub 76: (1) broaden (a) mobile kitchens, food and foodstuffs, cooking utensils and food preparation and serving equipment to "machinery and food preparation and serving equipment", part 13, and (b) frozen human blood and blood plasma and materials, equipment and supplies to "chemicals and related products and pharmaceutical supplies and materials, equipment, and supplies." parts 14(a) and 26(a); (2) remove the facilities limitations, parts 13 and 17(a) and (b), and the originating at and destined to restriction, part 17; (3) eliminate the ex-water restriction, part 29, the vehicle restriction, parts 14(a) and 17, and except commodities in bulk, in tank vehicles, part 17; (4) change one-way to radial authority, part 17; and (5) replace cities with counties: Seattle, WA (King, Pierce, Kitsap, and Snohomish Counties), parts 13, 26, and 29; and Pocatello, ID (Bannock County), part 17.

MC 134029 (Sub-9)X, filed January 4, 1982. Applicant: SIGEL'S HAULING, INCORPORATED, Road No. 5, P.O. Box 286, Madiz, OH 43907. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. Lead Subs 1, 2, 3G, 4, 5, 6, 7 and 8; broaden (1) to "machinery and those commodities which because of size or weight require the use of special handling or equipment" from mining machinery, equipment and supplies, contractors' equipment, construction machinery and heavy machinery, which because of its size or weight, require the use of special equipment, used machinery and equipment, and materials and supplies incidental to, or used in the construction, development, * * * and quarry and used quarry equipment (with exceptions), in production of coal (with exceptions), in lead and Subs 3G, 4, 5, 6, 7 and 8; "those commodities which because of their size or weight require the use of special handling or equipment" from contractor's equipment and heavy machinery and construction machinery, in Sub 1; "machinery" from machinery materials, supplies and equipment incidental to, or used in the construction, development, * * * of natural gas and petroleum; and "building materials" from construction materials and supplies, in Sub 2; (2) to radial authority, Sub 2; (3) remove restrictions: to transportation of machinery and equipment that require dismantling or erection for purposes of transportation, in Subs 4, 5 and 7; to transportation of shipments from or to coal mine construction, stripping, and storage locations, in Sub 4; and originating at or destined to named facilities in Sub 5.

MC 149133 (Sub-9)X, filed January 4, 1982. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., P.O. Box 7191, 1333 Nevada Blvd., Charlotte, NC 28217. Representative: Wyatt E. Smith (address same as applicant's). MC-144082 Sub 4F permit, broaden to between points in the U.S. under continuing contract(s) with named shipper.

[FR Doc. 82-1323 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M-

[Volume No. OP2-11]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted

problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Decided: January 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 155772, filed January 4, 1982. Applicant: DETROIT REFRIGERATED EXPRESS, INC., 7336 W. 15th Ave., Gary, IN 46406. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of foodstuffs, between points in MI and OH, on the one hand, and, on the other, points in the U.S.

Note.—This application is directly related to MC–F–14778, published in the same **Federal Register** issue.

[FR Doc. 82–1325 Filed 1–19–82; 8:45 am]

BILLING CODE 7035–01–M

Motors Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's represetative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants or operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where the service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–6

Decided: January 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 159920, filed Janauary 4, 1982. Applicant: EDWARD R. TATRO, 17 Griffin Street, Pascoag, RI 02859. Representative: Edward R. Tatro (same address as applicant), (401) 568–4006. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverage and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159961, filed January 5, 1982. Applicant: BILLY W. RICHARDSON, d.b.a. RICHARDSON MOVING AND STORAGE, 2579 Ashcraft Road, Dayton, OH 45414. Representative: Billy W. Richardson (same address as applicant) (513) 275–4286. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159980, filed January 5, 1982. Applicant: J. WHITE & ASSOCIATES, INC., West 222 Mission Avenue, Suite 15, P.O. Box 2647, Spokane, WA 99220. Representative: Jim Wallingford (same address as applicant), (509) 328–1252. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159981, filed January 6, 1982. Applicant: CLIFFORD REES, 21694 East Floral Ave., Reedley, CA 93654. Representative: Clifford Rees (same address as applicant), (209) 591–3048. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP2–9

Decided: January 11, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 24583 (Sub-48), filed December 31, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, Suite 411, 221 W. 2nd, Little Rock, AR 72201, 501–375–3022. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159892, filed December 21, 1981. Applicant: JOHN M. KIRK, 5218 Denison, Muskogee, OK 74401. Representative: John M. Kirk (same address as applicant), 918-682-9369. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1322 Filed 1-19-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquires to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-5

Decided: January 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

FF 451 (Sub-2), filed December 31, 1981. Applicant: BURLINGTON NORTHERN AIR FREIGHT, INC., P.O. Box 7420, 4350 Von Karman Ave., Newport Beach, CA 92660. Representative: Stephen A. Alterman, 1730 Rhode Island Ave., N.W., Washington, DC 20036, (202) 293-1030. As a *freight forwarder* in connection with the transportation of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities which because of size and weight require special equipment, and motor vehicles) between points in the U.S.

MC 39491 (Sub-19), filed December 28, 1981. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021, (516) 482-0881. *Over regular routes,* (A) transporting *passengers and their baggage,* in the same vehicle with passengers, (1) between Newark, New Castle County, DE, and Atlantic City, NJ, from Newark, DE, over DE Hwy 273 to junction DE Hwy 7, then over DE Hwy 7 to junction DE Hwy 4, then over DE Hwy 4 to junction DE Hwy 41 at or near Newport, DE, Then over DE Hwy 41 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 295, then over Interstate Hwy 295 to and across the Delaware Memorial Bridge to the New Jersey turnpike, then over the New Jersey Turnpike to junction U.S. Hwy 322, then over U.S. Hwy 322 to junction NJ Spur Hwy 536 near Williamston, NJ, then over NJ Spur Hwy 536 to the Atlantic city Expressway, then over Atlantic City Expressway to Atlantic City, NJ, and return over the same route (also over Interstate Hwy 95 between junction DE Hwys 273 and 41), (2) between junction DE Hwys 273 and 2 in Newark, New Castle County, DE, and junction DE Hwys 7 and 4 near Stanton, New Castle County, DE, over DE Hwy 7, and (3) between junction DE Hwys 41 and 4 near Belvedere, New Castle County, DE, and junction U.S. Hwy 322 and the New Jersey Turnpike near Swedesboro, NJ, from junction DE Hwys 41 and 4 near Belvedere, DE, over DE Hwy 4 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction DE Hwy 3, then over DE Hwy 3 to junction DE Hwy 92 near Hamby's Corner, New Castle County, DE, then over DE Hwy 92 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction U.S. Hwy 322 near Chester, PA, then over U.S. Hwy 322 to and over the Com. Barry Bridge to U.S. Hwy 322 in NJ, then over U.S. Hwy 322 to the New Jersey Turnpike near Swedesboro, NJ, and return over the same route, serving all intermediate points and those in New Castle County, DE, as off-route points in connection with routes (1) to (3) above; and *over irregular routes,* (B) transporting *passengers and their baggage,* in the same vehicle with passengers, in special operations, beginning and ending at points in New Castle County, DE, and extending to Atlantic City, NJ.

Note.—Applicant intends to tack the rights sought in (A) above to its existing authority.

MC 46200 (Sub-5), filed January 5, 1982. Applicant: NEEDLES MOVING & STORAGE COMPANY, P.O. Box 7855, St. Louis, MO 63106. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods, furniture and fixtures,* between points in AL, AR, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, OH, OK, PA, TN, TX, WI, CT, RI, VA, WV, and DC.

MC 87451 (Sub-18), filed January 6, 1982. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, Sterling Road, N. Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr., (same Address as applicant), (617) 663–4300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Fisons Corporation, of Bedford, MA.

MC 87451 (Sub-19), filed January 6, 1982. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, Sterling Road, N. Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr., (same address as applicant), (617) 663–4300. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with (a) System Distributors, Inc., of Malden, MA, (b) Uptite Co., Inc., of Lawrence, MA, (c) Sturtevant Warehouse Co., of Somerville, MA, (d) Alpha Environmental Services, Inc., of Boston, MA, and (e) United States Mineral Products, of Stanhope, NJ.

MC 111611 (Sub-58), filed January 5, 1982. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewiston, PA 17044. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986–1414. Transporting *such commodities* as are dealt in by shoe stores, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119700 (Sub-80), filed January 4, 1982. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas City, MO 64125. Representative: Lloyd Schottel (same address as applicant), (816) 241–3965. Transporting *clay, concrete, glass or stone products*, between points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, SD, TN, TX and WI.

MC 119791 (Sub-4), filed January 7, 1982. Applicant: R. J. TRUCKING, INC., 1220 Roosevelt Ave., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–7900. Transporting *pulp, paper and related products, plastic products, and lumber and lumber products*, between points in the U.S.

MC 123681 (Sub-40), filed December 29, 1981. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, OR 97203. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201, (503) 226–6491. Transporting *commodities in bulk*, between points in the U.S.

MC 124151 (Sub-15), filed December 23, 1981. Applicant: VANGUARD TRANSPORTATION, INC., Foot of Lafayette St., Carteret, NJ 07008. Representative: E. Stephen Heisley, 805 McLachen Bank Building, 666 Eleventh St., NW., Washington, DC 20001, (202) 628–9243. Transporting *commodities in bulk*, between points in GA, SC, NC, VA, WV, MD, PA, DE, NJ, NY, CT, RI, MA, VT, NH, ME and DC, on the one hand, and on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 133841 (Sub-31), filed January 4, 1982. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *commodities which because of size or weight require the use of special equipment*, between points in LA, on the one hand, and, on the other, points in the U.S.

MC 140561 (Sub-1), filed December 29, 1981. Applicant: G & W TRANSPORT, INC., 26380 Van Born Road, Dearborn Hts., MI 48125. Representative: Howard P. Walker (same address as applicant), (313) 292–2300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Tacoma, WA.

MC 141590 (Sub-5), filed December 31, 1981. Applicant: NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, P.O. Box 7586, Roanoke, VA 24019. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *chemicals and related products, and machinery*, between Covington and Clifton Forge, VA, and point in Alleghany County, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142920 (Sub-29), filed December 31, 1981. Applicant: OLIVER TRUCKING CORP., 620 South Belmont Avenue, Indianapolis, IN 46217. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with K-Tel International, Inc., of Minnetonka, MN.

MC 143730 (Sub-8), filed December 29, 1981. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Drive, New Castle, DE 19270. Representative: Richard M. Ochroch, 316 South 16th Street, Philadelphia, PA 19102, (215) 735–2707. Transporting *rocket motors, rocket fuel, class B explosives, chemicals and related products, and aerospace craft and equipment*, between points in the U.S., under continuing contract(s) with Thiokol Corporation, of Elkton, MD.

Note.—To the extent that any permit issued in this proceeding authorizes the transportation of class B explosives, it shall expire 5 years from its date of issuance.

MC 145481 (Sub-32), filed January 4, 1982. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 717 17th Street, Suite 2600, Denver, CO 80202, (202) 892–6700. Transporting *such commodities* as are dealt in by home furnishing and appliance stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Hitachi Consumer Products of America, Inc., of Compton, CA.

MC 146091 (Sub-4), filed December 28, 1981. Applicant: JOHN E. HOTH and BOBBIE J. HOTH, d.b.a. W. I. EXPRESS, Box 17, Colesburg, IA 52035. Representative: Carl E. Munson, 460 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319) 557–1320. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK.

MC 146401 (Sub-4), filed December 31, 1981. Applicant: NEU-WAY TRANSPORT, INC., 23720 72nd Ave., Langley, B.C. Canada V3A 4P9. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *iron and steel articles*, between points in the U.S., under continuing contract(s) with Davis Wire Industries Ltd., of Annacis Island, B.C., Great West Steel Industries Ltd., of Burnaby, B.C., and B.C. Forwarding Co. Ltd., of Richmond, B.C., Canada; and (2) *food and related products*, between points in the U.S., under continuing contract(s) with Neu-Way Distributing, of Langley, B.C.

MC 149070 (Sub-4), filed January 5, 1982. Applicant: LESCO TRUCKING COMPANY, INC., 7540 L.B.J. Freeway, Suite 224, Dallas, TX 75251. Representative: Richard H. Streeter, 1729 H St., N.W., Washington, DC 20006, (202) 337–6500. Transporting *Mercer commodities, machinery, commodities which because of size or weight require the use of special equipment, and metal*

products, (a) between points in AR, CO, LA, OK, and TX, and (b) between points in AR, CO, LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149081 (Sub-2), filed December 17, 1981. Applicant: SUBURBAN TRAILS, INC., 750 Somerset St., New Brunswick, NJ 08901. Representative: Edward F. Bowes, Seven Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Over regular routes, transporting *passengers and their baggage* and *express* and *newspapers,* in the same vehicle with passengers, (1) between South Brunswick and West Windsor, NJ, from junction Forsgate Drive and access roads to NJ Turnpike at Interchange 8A near the South Brunswick-Monroe Township boundary line, over Forsgate Drive (NJ Hwy 32) to junction Applegarth Rd. in Monroe Township, NJ, then over Applegarth Rd. to junction NJ Hwy 33, then over NJ Hwy 33 to junction Rogers Avenue, in Hightstown, NJ, then over Rogers Avenue to junction County Hwy 571, then over County Hwy 571 to junction US Hwy 1 in West Windsor, NJ, and return over the same route, (2) between points in Monroe Township, from junction Prospect Plains Applegarth Rd. and Cranbury Half Acre Rd., over Cranbury Half Acre Rd. to junction Union Valley Half Acre Rd, then over Union Valley Half Acre Rd. to junction Cranbury Station Union Valley Rd., then over Cranbury Station Union Valley Rd. to junction Prospect Plains Applegarth Rd., and return over the same route, (3) between points in East Windsor, NJ, (a) from junction NJ Hwy 33 and Twin Rivers Drive North in East Windsor, NJ, over Twins Rivers Drive North to junction Probasco Rd., then over Probasco Rd. to junction NJ Hwy 33 in East Windsor, NJ, and return over the same route, (b) from junction NJ Hwy 33 and Lake Drive in East Windsor, NJ, over Lake Drive to junction Twin Rivers Drive, then over Twin Rivers Drive to junction NJ Hwy 33 in East Windsor, NJ, and return over the same route, and (c) from junction Lake Drive and Abbington Drive in East Windsor, NJ, over Abbington Drive to junction Twin Rivers Drive in East Windsor, NJ, and return over the same route, (4) between Cranbury and East Windsor, NJ, from junction US Hwy 130 and Plainsboro Cranbury Rd. in Cranbury, NJ, over US Hwy 130 to junction County Hwy 571 in East Windsor, NJ, and return over the same route, and (5) between Monroe Township and East Windsor, NJ, from junction NJ Turnpike and Turnpike access roads at Interchange 8A in Monroe Township, NJ, over NJ Turnpike to Interchange 8 in East Windsor, NJ, then over NJ Turnpike access roads to junction NJ Hwy 33 in East Windsor, NJ, and return over the same route, serving all intermediate points in (1) through (5) above.

Note.—Applicant intends to tack the above service sought with its existing regular-route operations.

MC 150341 (Sub-3), filed January 5, 1982. Applicant: HOOVESTOL, INC., 3110 Mike Collins Dr., St. Paul, MN 55121. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in or used by wholesale and retail grocery stores, between points in the U.S.

MC 152270 (Sub-2), filed December 31, 1981. Applicant: CARSON CARRIERS OF DALLAS, INC., 3422 Gilbert Road, Grand Prairie, TX 75050. Representative: Thomas F. Sedberry, P.O. Box 2023, Austin National Bank Tower, Austin, TX 78701, (512) 472–8355. Transporting *machinery and machine tools,* between points in AR, LA, NM, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153140 (Sub-2), filed December 28, 1981. Applicant: PIONEER FREIGHT SYSTEMS, INC., 144 Parsippany Rd., P.O. Box 5, Whippany, NJ 07981. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *containers, container closures, packaging and packaging materials, building materials, plastic and plastic products, pulp, paper, and related products,* between points in the U.S., under continuing contract(s) with The Continental Group, Inc., Plastic Beverage Bottle Division, of Stamford, CT.

MC 156940 (Sub-2), filed December 29, 1981. Applicant: LAKE HEBRON TRUCKING CO., Chapin Ave., Monson, ME 04464. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 273–3530. Transporting *such commodities* as are dealt in or used by a manufacturer of furniture, between points in Piscataquis County, ME, on the one hand, and, on the other, points in the U.S.

MC 159691, filed December 15, 1981. Applicant: DELUXE TRAVEL CLUB, 412 W. Chestnut, Yakima, WA 98902. Representative: Wilbur C. Wright, Sr. (same address as applicant), (509) 575–8484. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at Yakima, WA, and extending to points in the U.S. (including AK, but excluding HI), under continuing contract(s) with Deluxe Travel Club Members, of Yakima, WA.

MC 159910, filed December 31, 1981. Applicant: AMERICA FROM MADISON MOTORCOACH TOURS, 105 West Main Street, Madison, WI 53703. Representative: Michael W. McCormick (same address as applicant), (608) 251–4711. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Dane County, WI, and extending to points in the U.S. (except HI).

MC 159911, filed December 31, 1981. Applicant: JAMES B. PHILLIPS, d.b.a., JIM PHILLIPS HORSE TRANSPORTATION, 2737 N. Hayes, Fresno, CA 93711. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *horses,* between points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, NJ, NM, NY, NC, OH, OK, PA, TN, TX, UT, and WV.

MC 159930, filed January 4, 1982. Applicant: J. D. PHILLIPS, d.b.a. PHILLIPS TRANSPORTATION SERVICE, 22141 Boones Ferry Rd. N.E., Aurora, OR 97002. Representative: John A. Anderson, Suite 801, The 1515 Bldg., 1515 SW. 5th Avenue, Portland, OR 97201, (503) 227–4586. Transporting (1) *food and related products,* between points in WA, OR and CA, and (2) *lumber and wood products,* between points in WA and OR, on the one hand, and, on the other, points in CA, NV, AZ, and CO.

MC 159931, filed January 5, 1982. Applicant: WILLARD M. SCHLITTER, d.b.a. SCHILITTER TRUCKING, R.R. #1, Mount Auburn, IA 52313. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *fertilizer,* between points in Whiteside County, IL, on the one hand, and, on the other, points in Black Hawk and Benton Counties, IA.

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Decided: January 11, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 16502 (Sub-24), filed December 7, 1981. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), OVER REGULAR ROUTES, (1) Between Starkville and

Jackson, MS: from Starkville over MS Hwy 12 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Jackson, and return over the same route, serving all intermediate points, (2) Between Starkville and Jackson, MS: from junction U.S. Hwy 51 and MS Hwy 12 over MS Hwy 12 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Jackson, and return over the same route, serving all intermediate points.

MC 45893 (Sub-18), filed December 29, 1981. Applicant: ROSS TRUCK LINES, INC., 1010 North Pearl; Paola, KS 66071. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting (1) *petro chemical construction equipment and materials, crane parts, trailers, and trailer parts,* between points in Harris County, TX, on the one hand, and, on the other, points in the U.S.; (2) *filters and filter parts,* between points in Montgomery County, TX, on the one hand, and, on the other, points in the U.S.; (3) *pipe, pipe valves, and pipe fittings,* between points in Jefferson County, TX, on the one hand, and, on the other, points in the U.S.; (4) *fabricated structural steel items,* between points in Galveston County, TX, on the one hand, and, on the other, points in the U.S.; (5) *rack and pinion material and personnel hoists, and such commodities* used in construction, maintenance and servicing of hoists, between points in Douglas County, KS, on the one hand, and, on the other, points in the U.S.; and (6) *universal joints,* between points in Johnson County, KS, on the one hand, and, on the other, points in the U.S.

MC 104832 (Sub-15), filed December 28, 1981. Applicant: HOLMAN TRANSFER COMPANY, 49 S E Clay, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave, Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives), between points in OR and WA, on the one hand, and, on the other, points in OR, WA, ID, Storey and Washoe Counties, NV and in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, Amador, and El Dorado Counties. CA.

MC 130483 (Sub-1), filed December 31, 1981. Applicant: BLUE & WHITE TRAVEL AGENCY, INC., 516 West Plank RD, Altoona, PA 16602. Representative: Charles A. Webb, 1828 L St., N.W., Suite 1111, Washington, DC 20036, 202–822–8200. As a broker at points in the U.S., in arranging for the transportation, by motor vehicle of *passengers and their baggage* in the same vehicle with passenger, in special and charter operations, between points in the U.S.

MC 135753 (Sub-4), filed December 30, 1981. Applicant: WILLIAMS TRANSPORT CO., INC., 938 E. Fourth St., Richmond, VA 22044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St, NW, Washington, DC 20004, 202–737–1030. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, machinery, and metal products, between points in the U.S., under continuing contract(s) with Williams Crane & Rigging, Inc., of Richmond, VA.

MC 136713 (Sub-29), filed December 31, 1981. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Rd, NE, Grand Rapids, MI 49505. Representative: Willaim H. Shawn, 1730 M. St, N.W., Suite 501, Washington, DC 20036, 202–296–2900. Transporting *chemicals, fertilizers, and allied products,* between points in the U.S. (except AK and HI).

MC 140242 (Sub-1), filed January 4, 1982. Applicant: MODERN TRUCKING SERVICE, INC., 2939 Sunol Dr., Los Angeles, CA 90023. Representative: Jack M. Talsky (same address as applicant), 213–269–0771. Transporting *plumbing goods, metal and metal articles, building materials, plastic and plastic articles and electrical equipment,* between points in CA, AZ, NV and UT.

MC 140553 (Sub-21), filed January 4, 1982. Applicant: ROGERS TRUCK LINE, INC., 3325 Hwy 24 East, Logansport, Inc. 46947. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *food and related products,* between those points in the U.S. and east of ND, SD, NE, KS, OK and TX.

MC 144293 (Sub-25), filed January 4, 1982. Applicant: DUANE McFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products,* between points in IA, MN, NE, and WI, on the one hand, and, on the other, points in OK and TX.

MC 144792 (Sub-4), filed December 28, 1981. Applicant: CONTRACT TRANSPORTER, INC., Route 12, Box 169, Salisbury, NC 28144. Representative: Noah H. Huffsteller III, P.O. Box 2058, Raleigh, NC 27602, 919–828–4481. Transporting *containers and metal products,* between points in the U.S., under continuing contract(s) with Jos. Schlitz Brewing Company, of Milwaukee, WI.

MC 151962, filed January 4, 1982. Applicant: INTERNATIONAL CHEMICALS TRANSPORTATION, INC., P.O. Box 270, Mt. Pleasant, TX 75455. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *chemicals or allied products,* between points in the U.S., under continuing contract(s) with International Chemicals, Inc., of Mt. Pleasant, TX.

MC 153323 (Sub-6), filed January 4, 1982. Applicant: IOWA–TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *food and related products,* between points in Crawford, Hardin, Carroll, Cherokee, Polk, Webster, and Woodbury Counties, IA, and Saline, Douglas, and Lancaster Counties, NE, on the one hand, and, on the other, those points in the U.S. in and east of MI, IN, KY, TN, and MS.

MC 155833 (Sub-1), filed December 7, 1981. Applicant: RICHARD E. GRISWOLD d.b.a. B & G TRUCKING, 324 Elm St., P.O. Box 123, Avoca, IA 51521. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *meat, meat products, meat by-products, and articles distributed by meat-packing houses,* between points in Pottawattamie County, IA, and Minnehaha and Lincoln Counties, SD, on the one hand, and, on the other, points in St. Lawrence County, NY.

MC 158982 (Sub-1), filed December 14, 1981. Applicant: RUSS WILSON TRAVEL AGENCY, 3703 Taylorsville Rd, Room 104, Louisville, KY 40220. Representative: Russ Wilson Sr. (same address as applicant), 502–456–2622. As a broker at Louisville, KY, in arranging for the transportation by motor vehicle of *passenger and their baggage* in the same vehicle with passengers, (1) between Louisville, KY, and points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (2) between points in Clark, Floyd, Harrison and Jefferson Counties IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159853,filed December 28, 1981. Applicant: BRADEN KARBER d.b.a. KA-CO OILFIELD SERVICE, P.O. Box 100, Perryton, TX 79070. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, 405–848–7946. Transporting *oilfield commodities,* between points in Ochiltree and Lipscomb Counties, TX, on the one hand, and, on the other, points in CO, KS, NM, OK and TX.

MC 159863, filed December 28, 1981. Applicant: DAVIDSON TRANSPORTATION AGENCY, INC., P.O. Box 716, Beverly Shores, IN 46301. Representative: Themis N. Anastos, 120 West Madison St, Chicago, IL 60602, 312–782–8668. Transporting *metal products,* between points in IN, IL, WI, OH, MI, MO, AL, MS, GA, OK and TX.

MC 159893, filed December 29, 1981. Applicant: MIKES LINES, INC., 501 West Main St., Fredericksburg, IA 50630. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting (1) *food and related products,* between points in Clayton, Delaware, and Jackson Counties, IA, on the one hand, and, on the other, points in IL, MN, and WI; and (2) *general commodities* (except classes A and B explosives and household goods), between points in Chickasaw County, IA, on the one hand, and, on the other, points in IL, MN, and WI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1328 Filed 1–19–82; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.81, Amdt. 3]

Director, East Africa Regional Economic Development Services Office; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.81, dated October 13, 1976 (41 FR 48171 and 48172), as amended as follows:

The first paragraph is hereby amended to reflect the following changes:

a. Substitute "$5,000,000" for "$1,000,000."

b. Subhead (3) is hereby renumbered Subhead (4).

c. Add the following as subhead (3);

"(3) Inter-agency service agreements (IASAs) between A.I.D. and other U.S. Government agencies."

d. Paragraph regarding advance payments is revised as follows and numbered as subhead (5). "(5) With respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services, including those financed by Federal Reserve letter of credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments."

Except as provided herein, the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82–1258 Filed 1–19–82; 8:45 am]

BILLING CODE 6116–01–M

[Redelegation of Authority No. 99.1.5, Amdt. 3]

Director, West Africa Regional Economic Development Services Office; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.5, dated July 30, 1973 (38 FR 21947) as amended, as follows:

A. The first paragraph is hereby amended to reflect the following changes:

1. Substitute "$5,000,000" for "$1,000,000" wherever it appears.

2. Subhead (3) is hereby renumbered subhead (4).

3. Add the following as subhead (3);

"(3) Inter-agency service agreements (IASAs) between A.I.D. and other U.S. Government agencies."

4. Subhead (4) is revised as follows and renumbered subhead (5);

"(5) With respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services, including those financed by Federal Reserve letter of credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments."

B. The second paragraph is hereby amended to reflect the following change:

Substitute "$100,000" for "$50,000" whereever it appears.

Except as provided herein the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82–1259 Filed 1–19–82; 8:45 am]

BILLING CODE 6116–01–M

[Redelegation of Authority No. 99.1.87, Amdt. 3]

Delegation of Contracting Officer Authority to Raymond J. Potocki

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.87, dated July 25, 1977 (42 FR 39286), as amended as follows:

A. The first paragraph is hereby amended to reflect the following changes:

(1) Substitute "$5,000,000" for "$1,000,000."

(2) Add subpart (5):

(5) With respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services, including those financed by Federal Reserve letters of credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments.

B. In paragraph regarding Assistant Area Contracting Officer authority, substitute "$1,000,000" for "$500,000".

Except as provided herein, the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82–1260 Filed 1–19–82; 8:45 am]

BILLING CODE 6116–01–M

[Redelegation of Authority No. 99.1.114, Amdt. 1]

Delegation of Contracting Officer Authority to John Stuart

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12,836), as amended, from the Assistant Administrator for Program and Management Services of the

Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.114, dated August 8, 1980, (45 FR 57,604), as follows:

A. In the first paragraph, substitute "$5,000,000" for "$1,000,000".

B. The first paragraph, subhead (5), is revised to read:

(5) With respect to these contracts and grants above, to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve letters of credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments.

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-1262 Filed 1-19-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 99.1.83, Amdt. No. 4]

Mission Director, USAID/Egypt; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.83 dated January 26, 1977 (38 FR 27,628), as amended, as follows:

The first paragraph is deleted in its entirety and the following is substituted in lieu thereof:

"Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services, I hereby redelegate to the Mission Director, USAID/Egypt, the authority to sign the following instruments, up to an amount of $5,000,000 (or local currency equivalent) per transaction:

(1) U.S. Government contracts (including contracts with individuals for services of the individual alone);

(2) U.S. Government grants, other than grants to foreign government or agencies thereof;

(3) Inter-agency service agreements (IASAs) between AID and other U.S. Government agencies; and

(4) Amendments to the instruments specified above.

(5) With respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve Letters of Credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments."

The second paragraph is hereby amended to reflect the following change: Substitute "$100,000" for "$50,000" wherever it appears.

Except as provided herein the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

Dated: December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-1261 Filed 1-19-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 99.1.105, Amdt. No. 3]

Mission Director, USAID/Indonesia, Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12,836), as amended, from the Assistance Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.105, dated December 18, 1978 (44 FR 2,051), as amended, as follows:

A. In the first paragraph substitute "$5,000,000" for "$1,000,000."

B. The paragraph regarding advance payments is revised as follows and numbered as subhead (5) to the first paragraph:

"(5) with respect to these contracts and grants above; to make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve Letters of Credit, and to approve the contract, grant, and cooperative agreement provisions relating to such advance payments."

C. The second paragraph is hereby amended to reflect the following change: Substitute "$100,000" for "$50,000" wherever it appears.

Except as provided herein the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature (December 30, 1981).

December 30, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-1263 Filed 1-19-82; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 38.24]

Waiver of Competition—Negotiation With a Single Source for Host Country Countracts

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5 dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grant Agreements; and No. 113, dated October 15, 1975, I hereby redelegate to the Directors of A.I.D. Missions in Egypt, Jordan, Morocco, Syria, and Tunisia and the A.I.D. Representative in Portugal, retaining for myself concurrent authority, the authority, with regard to cooperating country contracts, (1) to approve negotiation of contracts with a single source for the procurement of (a) technical and professional services and (b) construction services when the total value of the procurement does not exceed $100,000; and (2) to approve negotiation of contracts with a single source for the procurement of commodities and equipment when the total value of the procurement does not exceed $25,000 (exclusive of transportation).

The authorities redelegated above may not be redelegated further and may be exercised only after consultation with the appropriate Mission or Office technical personnel and the Regional Legal Advisor.

The authorities herein redelegated are subject to guidance by the Office in AID/Washington (Office of Project Development or Office of Technical Support) having responsibility for supporting implementation of the activity.

The Redelegation of Authority shall be effective immediately.

Dated: January 6, 1982.

W. Antoinette Ford,

Assistant Administrator, Bureau for Near East.

[FR Doc. 82-1341 Filed 1-19-82; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[603-TA-7]

Airtight Cast-Iron stoves; Preliminary Investigation

AGENCY: International Trade Commission.

ACTION: Institution of preliminary investigation pursuant to 19 U.S.C. 2482.

SUMMARY: Notice is hereby given that on January 4, 1982, the United States International Trade Commission voted to institute a preliminary investigation under section 603 of the Trade Act of 1974 (19 U.S.C. 2482) to investigate the possible existence of unfair methods of competition and unfair acts with respect to the importation into the United States and sale of certain airtight cast-iron stoves and, the effects, if any, of such methods and acts.

AUTHORITY: The authority for institution of this preliminary investigation is contained in section 603 of the Trade Act of 1974 (19 U.S.C. 2482).

SCOPE OF THE INVESTIGATION: The unfair methods of competition and unfair acts to be investigated are as follows:

1. Passing off imported copies of domestic airtight cast-iron stoves and causing the consumer to believe that such imported stoves are the domestic stoves, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

2. Engaging in false and deceptive advertising for the purpose of furthering the belief on the part of the consumer that the imported stoves are the domestic stoves, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

3. Infringing the common law trademark protection provided to various airtight cast-iron stove companies because respondents' stoves are virtually identical copies, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

The Commission staff has been directed to submit its report and recommendations regarding the above matters to the Commission no later than April 20, 1982.

By order of the Commission.

Issued: January 13, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1310 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-48 (Final)]

Certain Amplifier Assemblies and Parts Thereof From Japan

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigation.

SUMMARY: As a result of a preliminary determination by the United States Department of Commerce that there is a reasonable basis to believe or suspect that exports of high power microwave amplifiers and components thereof from Japan are being sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-48 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports of such merchandise. For purposes of this investigation, high power microwave amplifiers are radio-frequency power amplifier assemblies and components thereof, specifically designed for uplink transmission in the C, X, and Ku bands from fixed earth stations to communication satellites and having a power output of one kilowatt or more. These articles are currently classified under item 685.29 of the Tariff Schedules of the United States. This investigation will be conducted according to the provisions of part 207, subpart C, of the Commission's Rules of Practice and Procedure (19 CFR, Part 207, 44 F.R. 76458).

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller, Office of Investigations, U.S. International Trade Commission, Room 337, 701 E Street NW., Washington, DC 20436, telephone 202-523-0305.

SUPPLEMENTARY INFORMATION: On September 16, 1981, the Commission unanimously determined, on the basis of the information developed during the course of investigation No. 731-TA-48 (Preliminary), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Japan of certain amplifier assemblies and parts thereof, which are alleged to be sold in the United States at LTFV. As a result of the Commission's affirmative preliminary determination, the Department of Commerce continued its investigation into the question of LTFV sales. Unless the investigation is extended, the final LTFV determination will be made by the Department of Commerce on or before March 9, 1982.

Staff report. A staff report containing preliminary findings of fact will be available to all interested parties on February 22, 1982.

Written submissions. Any person may submit to the Commission on or before March 26, 1982, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such a statement must be filed at the office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, DC 20436.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Public hearing. The Commission will hold a public hearing in connection with this investigation on March 16, 1982, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC 20436, beginning at 10:00 a.m., e.s.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) March 10, 1982. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 11:00 a.m., e.s.t., March 1, 1982, in Room 117 at the U.S. International Trade Commission Building. Prehearing statements must be filed on or before March 10, 1982. For further information concerning the conduct of the investigation, hearing procedures, and rules of general applications, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (CFR 207), and Parts 201, subparts A through E (19 CFR 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of

Practice and Procedure (19 CFR 207.20, 44 FR 76458).

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: January 13, 1982.

[FR Doc. 82-1311 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

Investigation No. 731-TA-52 (Preliminary)

Sheet Piling From Canada

Determination

On the basis of the record [1] developed in investigation No. 731-TA-52 (Preliminary), the Commission determines that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury,[2] by reason of imports from Canada of sheet piling, provided for in items 609.96 and 609.98 of the Tariff Schedules of the United States (TSUS) which are possibly being sold in the United States at less than fair value (LTFV).[3]

Background

On November 24, 1981, the U.S. International Trade Commission received advice from the U.S. Department of Commerce that it was initiating an antidumping investigation on its own accord concerning imports of sheet piling from Canada which it found to be sold in the United States below trigger prices and, therefore, possibly at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation under section 773(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishmen of an industry in the United States is materially retarded by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days after its receipt of such advice, or in this case by January 8, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on December 2, 1981 (46 FR 58618). The public conference was held in Washington, D.C., on December 16, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

We determine that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury [4] by reason of imports from Canada of sheet piling allegedly sold at less than fair value. [5] Our determination is based on the following considerations.

Domestic Industry

Our analysis begins with the definition of the domestic industry against which the impact of the allegedly dumped imports is to be assessed. Section 7771(4)(A) of the Tariff Act of 1930 defines "industry" as "the domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [6] "Like product" is defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation . . . ." [7]

This investigation concerns imports from Canada of sheet piling fabricated of either carbon steel or alloy steel.[8] Sheet piling is a structural steel product consisting of rolled sections that can be joined so that the individual pieces form a continuous wall when driven side by side.[9] The sections have interlocks that allow the sections to be swung laterally, allowing flexibility in their alignment. The interlocks are also designed so that when they are subjected to lateral pressure, such as that caused by the weight of a volume of water, the wall will be watertight. Sheet piling is primarily used in applications calling for a tight steel enclosure to prevent leakage and resist pressure, such as walls for docks, wharves piers, dams, excavations, and cofferdams.

Steel sheet piling is produced in three basic types, which are designed for differing applications. Those types are straight (or flat) web, arch web and z web piling.[10] The domestic industry produces all three types. Imports from the principal Canadian importer, Acier Casteel, Inc., are of only the arch web and z web types. No information as to type is available with regard to imports from the remaining Canadian importer, Brockhouse Canada, Ltd.[11] Furthermore, both domestic and imported steel sheet piling comes in a range of gages, widths, and lengths and with varying types of interlocks to satisfy a number of different applications.

The imported article consists of the z web, arch web, and perhaps straight web types of steel sheet piling.[12] Thus, we find the like product to be all such domestically produced steel sheet piling. Since there are no clear dividing lines between the characteristics and uses of different sizes and shapes of steel sheet piling, our like product finding is without regard to width, length, and gage.[13] For the purposes of this preliminary

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Chairman Alberger and Commissioner Frank, having found a reasonable indication of material injury, do not reach the issue of threat.

[3] Reasonable indication that the establishment of an industry in the United States is materially retarded is not an issue in this investigation.

[4] Chairman Alberger and Commission Frank, having found a reasonable indication of material injury, do not reach the issue of threat.

[5] Commissioner Frank notes that the statute and legislative history require the Commission in its preliminary determinations in both antidumping and countervailing duty investigations to exercise only a low threshold test based upon the best information available to it at the time of such determination that the facts reasonably indicate that an industry in the United States could possibly be suffering injury, threat thereof, or material retardation. H.R. Rep. No. 96-317, 96th Cong., 1st Sess. 52 (1979).

[6] 19 U.S.C. 1677(4)(A).

[7] 19 U.S.C. 1677(10).

[8] The notice of initiation of its investigation issued by the Department of Commerce defines "sheet piling" as covering piling of iron or steel, provided for in items 609.96 (other than alloy iron or steel) and 609.98 (alloy iron or steel) of the Tariff Schedules of the United States. 46 FR 57586 (Nov. 24, 1981). There are no known imports of iron sheet piling. Commissioner Frank would include any imports of iron sheet piling if a final investigation is conducted. The Report does not indicate any known imports of iron sheet pilings in material reviewed in this preliminary investigation.

[9] The descriptions of the product are derived from information in the Report at A-1 to A-7.

[10] The three types are pictured in the Report at A-3.

[11] In addition, certain other sheet piling pieces produced by the domestic industry, such as Y's, T's, corners, and filler pieces, may be imported. Should a final investigation be conducted, the Commission will seek information regarding importation of these pieces. Commissioner Frank notes that these other pieces are related to sheet piling.

[12] The Commission has no information at this point to confirm whether straight web piling is imported into the United States from Canada. While it is known that imports from Acier Casteel do not include straight web piling, the composition of imports from Brockhouse Canada is not known. Additionaly, available information does not clarify whether other types of piling are substitutable for, and compete with, straight web piling for use in certain applications. Commissioner Frank notes that speculating on the inclusion of straight web types in imports is not appropriate at this time and does not believe the word "perhaps" is necessary.

[13] *See* Stainless Clad Steel Plate from Japan, Inv. No. 731-TA-50 (Preliminary), USITC Pub. 1196 (1981); Hot-Rolled Carbon Steel Plate from Romania, Belgium, and Brazil, Inv. Nos. 701-TA-83 (Preliminary) and 84 (Preliminary), and 731-TA-51 (Preliminary), USITC Pub. 1208 (1982); Hot-Rolled Carbon Steel Sheet From France, Inv. No. 701-TA-85 (Preliminary), USITC Pub. 1209 (1982).

investigation, therefore, we find that the domestic industry consists of the domestic producers of the steel sheet piling described.

Condition of the Domestic Industry

We have examined the health of the U.S. industry producing sheet piling over the period from 1978 to September 1981. The industry's condition fluctuated in 1978, 1979 and 1980, then made a sharp downturn in the first three quarters of 1981.[14] At the present time the industry is experiencing serious difficulties.[15]

U.S. production of sheet piling decreased significantly from 1978 to 1979, then increased in 1980 to a level higher than that attained in 1978.[16] Production then dropped dramatically in the first three quarters of 1981 to the lowest level during the period surveyed.[17] Industry capacity to produce sheet piling increased slightly between 1978 and 1980, then remained stable for the first three quarters of 1981.[18] Utilization of productive capacity fluctuated between 1978 and 1980, then fell drastically in the first three quarters of 1981.[19]

The trend in shipments by domestic producers paralleled the trend in production. Total shipments decreased from 1978 to 1979, but increased in 1980 to a level greater than in 1978. During January–September 1981 shipments decreased dramatically by approximately the same percentage as production did.[20] While inventories held by domestic producers in January–September 1981 decreased as compared to the comparable period in 1980, the ratio of inventories to shipments increased substantially.[21]

Consistent with the trend in production, employment of production and related workers in the sheet piling sector decreased from 1978 to 1979, increased in 1980, then fell sharply in the first three quarters of 1981 compared to the same period in 1980. The number of hours worked also declined drastically in 1981.[22]

The most significant factor regarding the condition of the industry is its unfavorable financial performance since 1978. Net sales were up substantially in 1980 over 1978 and 1979, but plummeted in 1981 as shipments fell. Despite the fluctuating levels of net sales throughout the period, the industry reported net losses in every year since 1978.[23]

Reasonable Indication of Material Injury by Reason of Alleged LTFV Imports

The record demonstrates a reasonable indication that imports of allegedly dumped Canadian sheet piling have been a factor contributing to the decline recently experienced by the domestic industry.[24] Prior to 1981 imports from Canada accounted for only 1.6 percent of total imports and a much smaller percentage of overall U.S. consumption. Canada's import share changed radically in the first three quarters of 1981, as Canadian imports increased ninefold over the corresponding period in 1980, from 1,196 tons to 12,154 tons. Imports from Canada were 16 percent of total imports during the January–September 1981 period and accounted for 71 percent of the increase in total imports over the corresponding period in 1980. As a result of the rapid rise in Canadian imports, the Canadian products captured a greatly increased share of U.S. consumption as well.[25] This increase in the Canadian share of the market coincided with the sharp decline the U.S. industry experienced in 1981.

Information gathered by the Commission indicates that the Canadian imports have undersold domestically produced sheet piling in the U.S. market by substantial margins throughout the first nine months of 1981.[26] In addition, the Commission has confirmed instances in which domestic producers lost sales to Canadian imports on the basis of price. In other instances a domestic producer made the sale, but was forced to reduce its price in order to do so, indicating possible price depression or suppression.[27]

Threat of material Injury [28]

We also find a reasonable indication that imports of sheet pilling from Canada pose a threat of material injury. As noted above, Canadian producers have prove to be aggressive entrants into the U.S. market, and their share of the overall market grew rapidly in 1981 as compared to previous years. Moreover, Canadian producers have substantial capacity for the production of additional sheet piling that could be

[14] Report at A–16 to A–22.

[15] Commissioner Frank notes that it is his preliminary finding that the serious difficulties being experienced by this industry are caused by the recent increases in imports of steel sheet piling from Canada.

[16] Because of the small number of firms comprising the domestic industry all specific data are treated as confidential, and the state of the industry is discussed only in terms of generalized trends.

[17] Report at A–16 to A–17.

[18] *Id.* Information regarding capacity is based upon allocations made by the reporting firms, since sheet piling is rolled in mills on which other structural steel products are made and capacity for any single product can be increased or decreased in response to demand. *Id.* at A–16.

[19] *Id.* at A–17.

[20] *Id.* at A–17 to A–18. "Total shipments," as used here, include intracompany shipments and exports as well as domestic shipments.

[21] *Id.* at A–18 to A–19.

[22] *Id.* at A–19 to A–20.

[23] *Id.* at A–20 to A–22.

[24] Vice Chairman Calhoun is of the view that to say a less-than-value import is a "factor contributing to the decline" experienced by the domestic industry does not fully satisfy the material injury standard. In his view, an LTFV import can contribute to the difficulties suffered by a domestic industry, but still have an impact on the industry which, while harmful, is inconsequential, immaterial, or unimportant.

For the reasons discussed, Vice Chairman Calhourn concludes that there is a reasonable indication that the effect of Canadian sheet piling on the domestic industry, at this point in the investigation, can be characterized as a level of harm that is "not inconsequential, immaterial, or unimportant".

[25] *Id.* at A–23 to A–25. Respondent argued that the increase in imports from Canada came primarily at the expense of imports from West Germany and did not affect the market share of the domestic producers. Mississippi Valley Equipment Company (MVE) is presently the exclusive U.S. distributor for Acier Casteel. MVE formely had a similar arrangement with Hoesch Huttenwerke AG, a West German producer of sheet piling. Respondent claims that MVE's purchases from Acier Casteel simply displaced purchases from Hoesch. Transcript at 85. However, the data assembled by the Commission make amply clear that despite termination of its sole distribution agreement with MVE, Hoesch remains an important supplier to the domestic market and has not been supplanted by the Canadians. Even if it could be shown that canadian imports had merely replaced German imports, it would not necessarily follow that this replacement is noninjurious to the domestic industry. Commissioner Frank does not agree that it is necessary to review the substitution arguments presented by respondent in this preliminary determination. Commissioner Frank points out that in this preliminary determination the substitution argument presented by respondent is not corroborated by the fact Hoesch terminated it sole distribution agreement with MVE. Hoesch continues to supply the domestic market according to the information obtained by the Commission and irrespective of this, there is a reasonable indication that the imports from Canada have caused material injury to the domestic producers. Vice Chairman Calhoun and Commissioner Eckes do not join in this footnote.

[26] *Id.* at A–26 to A–27.

[27] *Id.* at A–27 to A–29. Respondent contended that European imports, particularly imports from Belgium, are the low-price leaders in the sheet piling market, frequently underselling Canadian imports as well as domestic products. Transcript at 86–90. Consequently, it is argued that additional domestic piling would not be sold even if Candian imports were unavaiable. Thus, imports from Canada are arguably not a cause of any material injury experienced by the domestic industry. The record in this preliminary investigation does not contain sufficient data to address this argument, and it will have to be further investigated if a final investigation is conducted. Vice Chairman Calhoun notes, in this regard, that even if low priced Belgian imports eventually replaced Canadian imports, one for one it would not negate the reasonable indication that LTFV Canadian imports are causing present material injury. In the view of Commissioner Frank, there is ample evidence indicating price depression or suppression caused by Canadian exports to the U.S. of steel sheet piling. Report at A–25 to A–29. Commissioner Eckes does not join in this footnote.

[28] Chairman Alberger and Commissioner Frank, having found a reasonable indication of material injury, do not reach the issue of threat.

turned to producing exports to the United States. Acier Casteel's cold-forming mill produces various types of products, including steel sheet piling.[29] The total capacity of this mill is between 50,000 and 75,000 tons, depending on the product mix.[30] This is substantially in excess of the tonnage of sheet piling exported by Acier Casteel to the United States in the first nine months of 1981. An additional factor supporting a reasonable indication of threat of material injury is the sizeable inventory of Canadian sheet piling currently held by Acier Casteel's U.S. distributor.[31]

Conclusion

On the basis of the record before us, we conclude that there is a reasonable indication of material injury or the threat of material injury [32] to the domestic industry producing sheet piling by reason of imports of sheets piling from Canada. The principal grounds for our determination are the rapidly increasing penetration of the U.S. market by Canadian imports, information confirming lost sales caused by underselling, and information regarding possible price depression or suppression.[33]

By Order of the Commission.

Issued: January 8, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1313 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-38 (Final)]

Truck Trailer Axle-and-Brake Assemblies and Parts Thereof From Hungary; Suspension of Investigation

AGENCY: International Trade Commission.

ACTION: Suspension of investigation.

EFFECTIVE DATE: January 4, 1982.

SUMMARY: On January 4, 1982, the U.S. Department of Commerce published a notice in the **Federal Register** (47 FR 66) suspending its antidumping investigation involving truck trailer axle-and-brake assemblies and parts thereof from Hungary, provided for in items 692.32 and 692.60 of the Tariff Schedules of the United States. The basis for the suspension by Commerce is an agreement by the Hungarian Railway Carriage and Machine Works (RABA), a manufacturer and exporter which accounts for all of the known imports of this product from Hungary, to revise its prices to eliminate sales of this merchandise to the United States at less than fair value.

Accordingly, the Commission hereby gives notice of the suspension of its investigation No. 731-TA-38 (Final) to determine whether an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

If, on or before January 25, 1982, the U.S. Department of Commerce receives a request from an interested party to continue this investigation in accordance with section 734(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1673c), Commerce and the Commission will do so, notwithstanding the suspension agreement. A final determination will not be made in this investigation unless there is such a request for continuation of the investigation.

FOR FURTHER INFORMATION CONTACT: Ms. Abigail Eltzroth, U.S. International Trade Commission, Room 337, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0289.

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20).

By order of the Commission.

Issued: January 13, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1314 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

Termination of Countervailing Duty Investigation Concerning Compressors and Parts Thereof From Italy

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreement Act of 1979, with regard to compressors and parts thereof from Italy.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Reavis, Office of Investigations, telephone number (202) 523-0296.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, section 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation ot determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the outstanding countervailing duty order on compressors and parts thereof from Italy (T.D. 72-122).

On November 16, 1981, the Commission received a letter from counsel for Tecumseh Products Company, the original petitioner for the countervailing duty order, stating that it was withdrawing its request for the imposition of countervailing duties under the above referenced countervailing duty order.

While there is no provision in the Trade Agreement Act of 1979, or in its legislative history, permitting termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930. Termination authority is explicit in cases based on newly filed countervailing duty petitions; it is implied with respect to existing countervailing duty orders. Before terminating a section 104 investigation the Commission solicits public comment, then approves the termination only if it is in the public interest.

On December 2, 1981, (45 FR 58616) the Commission published a notice in the **Federal Register** requesting public comment by January 4, 1982, on the proposed termination of the Commission investigation on compressors and parts thereof from Italy. No adverse comments were received in response to the Commission's notice.

The Commission is therefore terminating its investigation under section 104(b)(1) of the Trade Agreements Act of 1979 on compressors and parts thereof from Italy (T.D. 72-122). The termination of this investigation has the same effect as a determination that an industry in the

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[29] Transcript at 58.

[30] *Id.* at 59.

[31] Report at A-29.

[32] Chairman Alberger and Commissioner Frank, having found a reasonable indication of material injury, do not reach the issue of threat.

[33] On the basis of the record before him, Commissioner Frank concludes that there is a causal link between imports of steel sheet piling from Canada with material injury experienced by the domestic industry. The principal bases for his affirmative determination are the significant volume of Canadian imports and information regarding lost sales, as well as a reasonable indication that these Canadian imports through their impact on domestic prices, have had a material adverse effect on the condition of the domestic industry.

United States would not be materially injured, or threatened with material injury, nor would the establishment of such an industry be materially retarded, if the countervailing duty order were to be revoked.

In addition to publishing this **Federal Register** notice, the Commission is serving a copy of this notice on all persons who have written the agency in connection with this investigation and is also notifying the Department of Commerce of its action in this case.

By order of the Commission.

Issued: January 15, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1312 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-117 through 124 (Preliminary) and Investigations Nos. 731-TA-82 through 86 (Preliminary)]

Carbon Steel Structural Shapes

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-117 through 124 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of carbon steel structural shapes, provided for in items 609.8005, 609.8015, 609.8035, 609.8041, and 609.8045 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

The Commission also gives notice of the institution of investigations Nos. 731-TA-82 through 86 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Luxembourg, the United Kingdom, and West Germany of carbon steel structural shapes, provided for in items 609.8005, 609.8015, 609.8035, 609.8041, and 609.8045 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Leahy, Office of Investigations, U.S. International Trade Commission; telephone 202-523-1369.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidental business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 116 and 125 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-53 through 82 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR Part 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1393 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Revocation of Exclusion Order, Reopening of Investigation as to Remedy, Bonding, and the Public Interest, Issuance of Order Permitting Entry Under Bond, and of Suspension of Investigation Pending Judicial Proceedings

AGENCY: International Trade Commission.

ACTION: Revocation of exclusion order, reopening of investigation No. 337-TA-97 as to remedy, bonding, and the public interest, issuance of order permitting entry under bond, and of suspension of investigation pending judicial proceedings.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain steel rod treating apparatus and components thereof. Notice of the institution of the investigation was published in the **Federal Register** of January 28, 1981 (46 FR 9262).

On December 1, 1981, the Commission unanimously determined that there is a violation of section 337 in the unauthorized sale for importation of certain steel rod treating apparatus and components thereof which infringe U.S. Letters Patent 3,390,871. The Commission further determined that the appropriate remedy is an exclusion order pursuant to section 337(d) excluding from entry into the United States certain steel rod treating

apparatus which are manufactured by or on behalf of Korf Industrie und Handel, GmbH, Korf Engineering, GmbH, Korf Industries, Inc., Ashlow Ltd., Ashlow Corp., Mr. Willy Korf and/or Mr. Johann Heinrich Rohde, or any successor, assignee, parent company, affiliated person, subsidiary, or related business entity of the above-named parties respondent, or which are sought to be imported by Gorgetown Steel Corporation.

On December 30, 1981, the U.S. District Court for the District of South Carolina indicated that in a forthcoming final order to be issued on or about February 1, 1982, the court would hold U.S. Letters Patent 3,390,871 invalid and unenforceable. *Ashlow Ltd. et al v. Morgan Construction Co.* (D.S.C., Civ. No. 81-936-5). The Court further indicated that it was prepared to grant Morgan's motion for an expedited appeal to the U.S. Court of Appeals for the Fourth Circuit.

On December 31, 1981, respondents Ashlow Ltd., Ashlow Corp., Korf Industries, Inc., Georgetown Steel Corp., Korf Industrie und Handel, Korf Engineering, Mr. Willy Korf and Mr. Johann Heinrich Rohde, moved that the Commission stay or suspend its exclusion order and for an expedited decision thereon (Motion No. 97-64). The Commission has granted Motion No. 97-64, subject to certain measures designed to protect the *status quo* pending Morgan's exhaustion of its appeal rights. Specifically, the Commission has issued an order permitting entry of the subject apparatus under bond pursuant to section 337(e).

Copies of the Commission's Action and Order, the Commission's opinion, and all other public documents on the record of the investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1402 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-140 through 144 (Preliminary)]

Cold-Formed Alloy Steel Bar

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-140 through 144 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, the United Kingdom, and West Germany of cold-formed alloy steel bar, provided for in item 606.9900 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0305.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 139 (Preliminary) and antidumping investigations Nos. 731-TA-53 thrugh 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1394 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-134 through 139 (Preliminary)]

Cold-Formed Carbon Steel Bar

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-134 through 139 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with

material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, the United Kingdom, and West Germany of cold-formed carbon steel bar, provided for in items 606.8805 and 606.8815 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0312.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 133 and 140 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-53 through 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1395 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-102 through 109 (Preliminary) and Investigations Nos. 731-TA-68 through 74 (Preliminary)]

Cold-Rolled Carbon Steel Sheet and Strip

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-102 through 109 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kindgom, and West Germany of cold-rolled carbon steel sheet, provided for in items 607.8320 and 607.8344 of the Tariff Schedules of the United States Annotated (1982) (TSUSA), upon which bounties or grants are alleged to be paid. The Commission also gives notice of the investigation of imports of cold-rolled carbon steel strip, provided for in TSUSA items 608.1940, 608.2140, and 608.2340, from all of these countries except Brazil (investigation No. 701-TA-103 (Preliminary).

The Commission also gives notice of the institution of investigations Nos. 731-TA-68 through 74 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of cold-rolled carbon steel sheet and strip, provided for in items 607.8320, 607.8344, 608.1940, 608.2140, and 608.2340 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. William Schechter, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0300.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission

Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202–523–0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701–TA–86 through 101 and 110 through 144 (Preliminary) and antidumping investigations Nos. 731–TA–53 through 67 and 75 through 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–1396 Filed 1–19–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–110 through 116 (Preliminary) and Investigations Nos. 731–TA–75 through 81 (Preliminary)

Galvanized Carbon Steel Sheet

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connecton with the investigatons.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701–TA–110 through 116 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of galvanized carbon steel sheet, provided for in items 608.0730 and 608.1300 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

The Commission also gives notice of the institution of investigations Nos. 731–TA–75 through 81 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of galvanized carbon steel sheet, provided for in items 608.0730 and 608.1300 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. William Schechter, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0300.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by Februarty 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202–523–0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigatons will be held concurrently with that for countervailing duty investigations Nos. 701–TA–86 through 109 and 117 through 144 (Priliminary) and antidumping investigations Nos. 731–TA–53 through 74 and 82 through 86 (Preliminary).

For further information concerning the conduct of the investigatons and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–1397 Filed 1–19–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–130 through 133 (Preliminary)]

Hot-Rolled Alloy Steel Bar

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701–TA–130 through 133 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France, Italy, the United Kingdom, and West Germany of hot-rolled alloy steel bar, provided for in item 606.9700 of the Tariff Schedules of

the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0305.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR part 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 129 and 134 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-53 through 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to section 207.12 of the Commission's Rules of Practice and Procedure (19 CFR § 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1398 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-125 through 129 (Preliminary)]

Hot-Rolled Carbon Steel Bar

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-125 through 129 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, the United Kingdom, and West Germany of hot-rolled carbon steel bar, provided for in items 606.8310, 606.8330, and 606.8350 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0312.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR part 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 124 and 130 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-53 through 86 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR § 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1399 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-86 Through 93 (Preliminary) and Investigations Nos. 731-TA-53 Through 60 (Preliminary)]

Hot-Rolled Carbon Steel Plate

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-86 through 93 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kingdom, and West Germany of hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid.

The Commission also gives notice of the institution of investigations Nos. 731-TA-53 through 60 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, Romania, the United Kingdom, and West Germany of hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0312.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR § 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-94 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-61 through 86 (Preliminary).

Record.—The records of Commission investigations Nos. 701-TA-83 (Preliminary), Hot-Rolled Carbon Steel Plate from Belgium, 701-TA-84 (Preliminary), Hot-Rolled Carbon Steel Plate from Brazil, and 731-TA-51 (Preliminary), Hot-Rolled Carbon Steel Plate from Romania will be incorporated in the records of investigations Nos. 701-TA-86 through 93 (Preliminary) and investigations Nos. 731-TA-53 through 60 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1400 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-94 Through 101 (Preliminary), 731-TA-61 Through 67 (Preliminary)]

Hot-Rolled Carbon Steel Sheet and Strip

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-94 through 101 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, the United Kindom, and West Germany of hot-rolled carbon steel sheet, provided for in items 607.6610, 607.6700, 607.8320, 607.8342, and 607.9400 of the Tariff Schedules of the United States Annotated (1982) (TSUSA), upon which bounties or grants are alleged to be paid. The Commission also gives notice of the investigation of imports of hot-rolled carbon steel strip, provided for in TSUSA items 608.1920, 608.2120, and 608.2320, from all of these countries except Brazil (investigation No. 701-TA-95 (Preliminary)).

The Commission also gives notice of the institution of investigations Nos. 731-TA-61 through 67 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, France, Italy, Luxembourg, the Netherlands, the

United Kingdom, and West Germany of hot-rolled carbon steel sheet and strip, provided for in items 607.6610, 607,6700, 607.8320, 607.8342, 607.9400, 608.1920, 608.2120, and 608.2320 of the Tariff Schedules, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Leahy, Office of Investigations, U.S. International Trade Commission; telephone 202-523-1369.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed January 11, 1982, on behalf of United States Steel Corp., Bethlehem Steel Corp., Republic Steel Corp., Inland Steel Corp., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Steel Corp. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petitions or by February 25, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 9, 1982, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., e.s.t., on February 3, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, telephone 202-523-0242, not later than January 27, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigations Nos. 701-TA-86 through 93 and 102 through 144 (Preliminary) and antidumping investigations Nos. 731-TA-53 through 60 and 68 through 86 (Preliminary).

Record.—The record of Commission investigation No. 701-TA-85 (Preliminary), Hot-Rolled Carbon Steel Sheet from France will be incorporated in the records of investigations Nos. 701-TA-94 through 101 (Preliminary) and investigations Nos. 731-TA-61 through 67 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and procedure (19 CFR 207.12).

Issued: January 15, 1982.
By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-1401 Filed 1-19-82; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 22-45]

Sugar; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 22(a) of the Agricultural Adjustment Act (7 U.S.C. 624(a)) to determine whether sugars, sirups, and molasses, derived from sugar cane or sugar beets, provided for in items 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS), are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program for sugar cane and sugar beets of the U.S. Department of Agriculture.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. T. Vernon Greer, 202-724-0074.

SUPPLEMENTARY INFORMATION:

Background: The investigation (No. 22-45) was instituted following receipt of a letter dated December 23, 1981, from the President directing the Commission to conduct it. The letter stated that the President agreed with advice from the Secretary of Agriculture that there is reason to believe that sugars, sirups, and molasses, provided for in TSUS items 155.20 and 155.30, are being imported or are practically certain to be imported under such conditions and in such quantities as to materially interfere with the price-support program for sugar cane and sugar beets undertaken by the Department of Agriculture.

The President's letter also stated that he was that day taking emergency action under section 22(b) of the Agricultural Adjustment Act and issuing a proclamation imposing import fees on the above-mentioned sugars, sirups, and molasses, with such fees to continue in effect pending the report and recommendation of the Commission and action that he may take thereon.

Public hearing: The Commission will hold a public hearing in connection with this investigation beginning at 10:00 a.m., on Tuesday, April 6, 1982, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on March 18, 1982. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 204 (19 CFR Part 204) and Part 201 (19 CFR Part 201).

Prehearing procedures: A prehearing conference will be held on Monday, March 22, 1982, at 10:00 a.m., in Room 117 of the U.S. International Trade Commission Building.

To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business on March 31, 1982. Copies of any prehearing briefs submitted will be available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with § 201.12(d) of the Commission's Rules of Practice and Procedure (19 CFR 201.12(d)), statements are unnecessary if briefs are submitted. Oral presentation should, to the extent possible, be limited to issues raised in the prehearing briefs.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined in this notice.

Written submissions: In addition to or in lieu of an appearance at the hearing, interested persons may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Written statements should be addressed to the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, and must be received not later than April 14, 1982. All written submissions, except for confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential must be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Issued: January 15, 1982.
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1403 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for Promotion Thereof; Termination of Respondents

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondents Jones and Henry Tool Co., Cactus State Machinery, Kabaco Tools, Inc. dba KBC Machinery, Equipment Importers Inc. dba Jet Equipment and Tool and Select Machine Tool and Supply Co.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondents Kabaco Tools, Inc. dba KBC Machinery, and Equipment Importers Inc. dba Jet Equipment and Tool based on consent order agreements, and as to respondents Jones and Henry Tool Co. and Cactus State Machinery based on settlement agreements, and as to Select Machine Tool & Supply Co. because the continued presence of that respondent is unnecessary for purposes of obtaining an appropriate resolution to the investigation.

Termination of these five respondents terminates this investigation as they are the only respondents remaining.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain surface grinding machines and literature for the promotion thereof. The complainant, Brown and Sharpe Mfg. Co., and respondents Kabaco Tools, Inc. dba KBC Machinery, and Equipment Importers Inc. dba Jet Equipment and Tool jointly moved to terminate the investigation as to aforementioned respondents on the basis of consent order agreements. The complainant and respondents Jones and Henry Tool Co. and Cactus State Machinery jointly moved to terminate the investigation as to the aforementioned respondents on the basis of written settlement agreements. Select Machine Tool & Supply Co. is being terminated from this investigation because its continued presence as a respondent is unnecessary to an appropriate resolution of the investigation.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secrertary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, telephone 202-523-0148.

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1404 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-406-7]

Unrefined Montan Wax From East Germany; Report to the President

January 13, 1982.

Determination

On the basis of information developed in the course of investigation No. TA-406-7, the Commission (Commissioner Frank dissenting) has determined, with respect to imports of unrefined montan wax from East Germany, provided for in item 494.20 of the Tariff Schedules of the United States, that market disruption does not exist with respect to an article produced by a domestic industry.

Background

This report is being furnished pursuant to section 406(a)(3) of the Trade Act of 1974 (19 U.S.C. 2436(a)(3)) and is based on an investigation conducted under section 406(a)(1) of the Trade Act. The Commission instituted the investigation on October 28, 1981, following receipt of a petition filed on October 13, 1981, by the American Lignite Products Co. (ALPCO), Ione, California.

A public hearing in this proceeding was held in the Hearing Room of the U.S. International Trade Commission Building in Washington, D.C., on December 2, 1981. All interested parties were given an opportunity to be present, to present evidence, and to be heard.

Notice of institution of the investigation and of the public hearing was given by posting copies of the notice in the Office of the Secretary to the Commission in Washington, D.C., and by publishing the notice in **Federal Register** of November 3, 1981 (46 FR 54659).

The information in this report was obtained from field work, questionnaires sent to the domestic producer and importer, the Commission's files, other Government agencies, testimony presented at the hearing, briefs filed by interested parties, and other sources.

Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun and Commissioners Paula Stern and Alfred E. Eckes

On the basis of the information developed during the course of this investigation, we determine that market disruption as defined in section 406 of the Trade Act of 1974 (Trade Act) does not exist with respect to imports of unrefined montan wax. Our determination in this case rests on an assessment of the recent and historical levels of imports of unrefined montan wax from East Germany in the U.S. market. The recent role of imports is not abnormal in the historical context. Thus, the threshold requirement for a finding of market disruption—a showing of rapidly increasing imports—has not been met in this investigation.

Section 406(a)(1) of the Trade Act directs that upon the filing of a petition the Commission "shall promptly make an investigation to determine with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry." Section 406(e)(2) defines market disruption as follows:

Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury or threat thereof, to such domestic industry.

Domestic Industry

In this case unrefined montan wax from East Germany is the imported article. The primary use for both domestic and imported unrefined montan wax in the United States is as a flow agent in the manufacture of onetime carbon paper.[1] Imports are like or directly competitive with unrefined montan wax produced in the United States by American Lignite Products Co. (Alpco). As the only domestic producer of this substance, Alpco constitutes the domestic industry.

The Question of Market Distruption

To make an affirmative determination of market disruption, the Commission first must find that imports are increasing rapidly, either absolutely or relatively. The legislative history indicates that Congress was concerned that a situation may exist where exports of a Communist country could be "directed so as to flood domestic markets within a shorter time period than could occur under free market conditions." [2] The shorter time period is not defined in the statute; however, the Senate Finance Committee Report provides some guidlines for the Commission, as to its meaning:

> The increase in imports required by the market disruption criteria must have occurred during a recent period of time, as determined by the Commission, taking into account any historical trade levels which may have existed.

In the most recent time period for which data are available, January–September 1981, imports of unrefined montan wax from East Germany were 1.1 million pounds or 27 percent lower than in the corresponding period of 1980. This decline in imports during a period of steady consumption led to a 28 percent decline in the ratio of imports to consumption in the first nine months of 1981 compared with the corresponding period of 1980. Available data for 1981 show clearly that imports have not increased either absolutely or relatively.

The petitioner argues that due to the antidumping investigation which was being conducted in 1981 [3] recent import figures "are likely distorted" because of "manipulation" by the importer to avoid possible dumping duties.[4] The domestic firm suggests that we look instead at 1980 figures and compare them to the prior five year average to establish a pattern of rapidly rising imports. This calculation does show that imports in 1980 were higher than the yearly average for the prior five years. The flaw in this analysis is that 1980 imports were likely influenced by a threatened dock strike and the possibility of an adverse dumping finding in early 1981. For these reasons imports and the import to consumption ratio in all likelihood were higher in late 1980 than they might otherwise have been. Without these factors, imports and the import to consumption ratio would probably have increased by less in 1980 and declined by less in 1981.

Even if we look at 1980–81 as the most recent period, imports, although increasing over 1979, still could not be said to be increasing rapidly, taking into account historical levels. An examination of official import statistics on montan wax from 1925 to the present time indicates a number of years in which imports exceeded the 1980 and 1981 levels.[5] For instance in 1974, imports were 6.7 million pounds, considerably higher than in the most recent years. Moreover, a review of the decade 1971 to 1980 shows imports averaging 5.1 million pounds in 1971–75 and only 4.3 million pounds yearly in 1976–1980, indicating a clear drop in the second half of the decade.

Historical trade levels show that not only were imports higher in the past than at present but also that there were periodic fluctuations in import levels. When viewed in the historical context, 1977-September 1980 import levels again indicate such a fluctuation. Imports increased from a decade low of 3.3. million pounds in 1977 to 5.8 million pounds in 1980, and then substantially declined in the first nine months of 1981. These data do not demonstrate rapidly increasing imports, but rather are another instance of import fluctuation.

The Senate Report on section 406 indicates that Congress was concerned about a non-market economy's ability to mobilize resources, control distribution and prices, and quickly direct exports to a targeted market. Such surges could disrupt the free market and harm domestic industries. In our opinion, imports of unrefined montan wax do not correspond to the type of situation envisioned by Congress. Exports of unrefined montan wax have been coming from the Roeblingen Region [6] to the United States since 1907 except during World Wars I and II, long before domestic production of this article began. As discussed above, imports have fluctuated markedly during this time, and there is no indication of a redirection of exports by East Germany so as to flood the United States market. In fact, only a small percentage of East German production of montan wax has been and is presently exported to the United States. Regardless of how we examine the figures, we find no evidence of "rapidly increasing imports".

Since we do not find rapidly increasing imports, a threshold test under this statute, we have not addressed the further issue of material injury to the domestic industry by rapidly increasing imports of unrefined montan wax. We note that our finding in this case is based on different legal standards [7] than the recent affirmative antidumping determination [8] under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d).[9] In the present investigation, the petitioner failed to meet the basic criterion under section 406 of showing rapidly increasing imports of unrefined montan wax. Therefore, we find that market disruption does not exist.

Views of Commissioner Eugene J. Frank

Based on the information before me in this investigation, I have concluded that imports of unrefined montan wax from East Germany *are* rapidly increasing so as to be a significant cause of material injury to the domestic montan wax industry and that market disruption therefore exists.

The term "market disruption" is defined in section 406(e) of the Trade Act of 1974. The statute in essence sets forth the following three tests or criteria and requires that all three be satisfied in

[1] Staff report pp. A–3 to A–10.

[2] Report of the Committee on Finance, U.S. Senate Report No. 93–1298 93rd Congress, 2nd session, 1974 p. 210.

[3] Unrefined montan wax from East Germany USITC Pub. No. 1103, inv. No. 731–TA–30 (Preliminary) and USITC pub. No. 1180, inv. No. 731–TA–30 (Final). The preliminary investigation was initiated on September 8, 1980.

[4] Posthearing brief submitted by Alpco p. 1.

[5] The only data available prior to 1977 are on imports. Therefore an import to consumption ratio is not available on an historic basis. Montan wax has been exported to the United States from the Roeblingen area of Germany (now in East Germany) since 1907. Domestic production of unrefined montan wax began on a commercial basis in the United States in 1947.

[6] Staff report p. A–4.

[7] For example, an affirmative determination under Section 735 of the Tariff Act of 1930 does not require a showing of rapidly increasing imports.

[8] Commissioner Eckes did not participate in the antidumping determination.

[9] Under section 735 we found that the domestic montan wax industry was being materially injured by imports of unrefined montan wax from East Germany which were being sold at less than fair value (Inv. No. 731–TA–30 (Final) USITC Pub. No. 1180, August 1981).

order for there to be a finding of market disruption—

(1) Imports of an article the product of a Communist country are increasing rapidly, either absolutely or relatively;

(2) The domestic industry producing an article like or directly competitive with the imported article is materially injured or threatened with material injury; and

(3) Such rapidly increasing imports are a significant cause of the material injury or threat thereof.

I have found that all three criteria are satisfied.

Rapidly Increasing Imports

The first criterion requires a finding that imports are "increasing rapidly, either absolutely or relatively." This requirement reflects the concern of Congress regarding the ability of communist countries, through their control of the distribution process and the price at which articles are sold, "to flood domestic markets within a shorter time period then could occur under free market conditions."[10] While Congress did not expressly define the "increasing rapidly" test, the Senate Committee on Finance stated in its report on the bill that became the Trade Act that the increase would be one that had occurred "during a recent period of time, as determined by the Commission taking into account any historical trade levels which may have existed."[11]

Data in the present case clearly show that imports have increased rapidly both absolutely and relatively in recent years. Imports in 1980–81 (1980 is the latest full year for which import data were available; data were available only for the first 9 months of 1981) were running at an annualized level of 4.8 million pounds, almost 50 percent above the 1977 level, about 35 percent above the 1978 level, and 10 percent above the 1979 level. Imports in 1980–81 were running at an annualized level of about 30 percent above the average 1977–79 level.[12] The ratio of imports to U.S. consumption in 1980–81 was significantly higher than the 1977–79 ratio, and imports exceeded domestic production by a considerable extent in five of the most recent seven calendar quarters (January 1980–September 1981), especially in the last quarter of 1980.[13]

The importer of the East German wax suggested that the Commission should consider only imports in the first 9 months of 1981 as constituting the appropriate "recent" imports and to conclude that imports are not increasing rapidly because average quarterly imports were higher in 1980.[14] To do so would too narrowly focus our inquiry and would be akin to reviewing the situation with blinders on. Exogenous factors, such as the date of arrival of a ship or the threat of a dock strike, can distort the statistics for one or several quarters. Counsel for the importer in fact conceded that the threat of a dock strike as well as the prospect of retroactive application of possible dumping duties caused imports to increase in the last quarter of 1980.[15]

While it is true that import levels in the first 3 quarters of 1981 averaged below import levels in the 4 quarters of 1980, it is also true that imports in the fourth quarter of 1980 exceeded 50 percent of total 1977 imports and were almost 50 percent of 1978 imports, and that imports in the second quarter of 1981 exceeded import levels for 3 of the 4 quarters of 1979. Some of this increase in late 1980 went into importer inventories, which at the close of 1980 were about twice the year-end 1979 level. However, importer inventories declined to almost the year-end 1979 level by September 30, 1981, indicating a substantial reduction in inventory levels.[16] One must therefore examine imports over more than just a few quarters in order to factor out aberrations. Having done this in the present case, it is clear that imports are rapidly increasing.[17]

Material Injury

The second criterion requires a finding that the domestic industry is materially injured or is threatened with material injury. The criterion is expressed in the disjunctive, and the test is satisfied if either material injury or the threat of such injury is found to exist. The term "material injury, or threat thereof," is not expressly defined in the statute, but the legislative history of section 406 indicates that the term is intended to represent "a lesser degree of injury" than the term "serious injury" employed in the import relief provisions of section 201 of the Trade Act.[18] Further, the legislative history makes clear that the section 406 concept is formulated along lines similar to the section 201 criteria,[19] indicating that the Commission should consider economic factors such as capacity utilization, profits, and employment levels used in section 201 determinations.

The facts in the present case show that the U.S. producer of unrefined montan wax is materially injured. Alpco's utilization of capacity declined substantially between 1977–79 and 1980–81. Shipments delined during the period, reflecting the decline in capacity utilization levels.[20] Employment in the industry likewise declined significantly from 1978 to 1981.[21]

Alpco's ratio of net profit (before taxes) to net sales, which was satisfactory in the accounting years ending May 31, 1978, May 31, 1979, and May 31, 1980, respectively, was a negative ratio, i.e., a loss, in the accounting year ending May 31, 1981. Balance sheet data also reflect the deteriorated condition of the domestic producer as a result of the declines in shipments and profits, notwithstanding its expansion program, as well as the effects increased imports have had on prices, including pricing distortions likely manifesting at a minimum suppressive effects, adversely impacting the only domestic producer.[22]

Significant Cause of Material Injury

The third criterion requires a finding that the rapidly increasing imports are a significant cause of the material injury, or threat thereof, to the domestic industry. As in the case of the "material injury" test, the "significant cause" test is formulated along lines similar to the "substantial cause" test of section 201, and "significant cause" is intended to be an "easier" standard to satisfy than that of "substantial cause."[23] As in a section 201 determination, it is appropriate to consider the relationship between the increase in imports and the injury found to exist.

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[10] Trade Reform Act of 1974: Report of the Committee on Finance * * *, S. Rept. No. 93-1298 (93rd Cong. 2d sess.), 1974, p. 210.

[11] Id., p. 212.

[12] Report, p. A-15.

[13] The year 1977 was the earliest year for which data on production, consumption, and domestic shipments were obtained by Commission questionnaires. The discussion here focuses on generalized trends in view of the confidentiality of certain data from the sole domestic producer.

[14] Strohmeyer & Arpe Co. posthearing brief, p. 4.

[15] Hearing transcript, pp. 105, 129.

[16] Report, p. A-36.

[17] If any imports should be discounted in determining whether imports are increasing rapidly, it should be 1981 imports, not 1980 imports as the importer suggests in view of what I feel to be atypical trade levels occurring in the 9-month period for which information was available. Proceeding on this basis and taking the 1976–79 period as historically representative of imports which I have done in this case as set forth in my section on remedy, imports in the 1980 recent period registered a 47 percent increase over the average annual levels for the years 1976–79. Examining import trends in such manner coupled with the previous trends cited in my opinion makes it clear that imports are rapidly increasing.

[18] Senate Finance Report, p. 212.

[19] Id.

[20] Report, p. A-19.

[21] Report, p. A-25.

[22] Report, p. A-39. This was the earliest year for which domestic and importer selling prices were obtained by Commission questionnaires.

[23] Senate Finance Report, p. 212.

In the present case, there is a direct relationship between the rapid increase in imports in 1980–81 and the decline in capacity utilization, employment, shipments, and profits of the U.S. producer. Imports were highest in both absolute and relative terms at the time domestic shipments, employment, capacity utilization, financial position, and profits were declining. Furthermore, during the 1980 period, which is clearly reflective of market disruption, the importer's margins of underselling reached their highest levels on a quarterly basis since January 1978.[24]

Considerable attention was devoted by both the domestic producer and importer to certain alleged operating cost advantages which the East German producer has over Alpco. I believe that the Commission's views expressed in investigation No. 731–TA–30 (Final) issued September 4, 1981, Unrefined Montan Wax from East Germany, adequately explain why the importer's contentions in this respect are not persuasive. In this respect, it should also be noted that Alpco is currently working with the State of California to develop a cogeneration capability which should significantly improve its operating efficiencies if capacity utilization returns to reasonable levels. Furthermore, any cost comparisons on a BTU equivalent basis between Alpco and the East German producer should take into consideration ground reclamation cost inputs and lignite process by-product utilization (as a credit), among other things, in ascertaining the true costs incurred in producing unrefined montan wax. From the information developed in this investigation in this respect, I am not persuaded that there is adequate support for the importer's contention, stated repeatedly, that the East German producer enjoys a true comparative operating cost advantage which the domestic producer cannot even approach. I would observe, additionally, that further scrutiny of transportation cost inputs from the East German producer to importer's ports of entry along with the domestic transportation cost differential data that was requested in the questionnaires sent to the importer and domestic producer (and absorbed by the end-user) might have been helpful in ascertaining the true constructed cost differentials between the East German products and domestic products.

Remedy

Since the Commission majority has made a negative determination, there will not be a Commission remedy recommendation to the President. However, had the Commission determination been in the affirmative, I would have recommended that the President impose a 3-year quota of 3.9 million pounds per year[25] on imports of unrefined montan wax from East Germany, with such restrictions to be in effect during the period January 1, 1982–December 31, 1984, and with such quotas to be upwardly adjusted by 3 percent in each of the second and third years provided that U.S. consumption of unrefined montan wax had increased by 5 percent or more in the preceding calendar year. The "recent" period "representative" of imports for the purpose of establishing such a quota would be 1976–79.

I would not have supported a recommendation for the imposition of a tariff since it would not have provided an adequate remedy in this case, and its effect would have been most likely absorbed by the consumer public unnecessarily. I would not have recommended adjustment assistance in this case because I do not believe that this kind of assistance should be a remedy in a section 406 case.

Other Considerations

The domestic producer's posthearing statement included a letter dated October 8, 1980, from Assistant Secretary of the Army for Research, Development and Acquisition Percy A. Pierre to Congressman Norman D. Shumway.[26]

In that letter, Assistant Secretary Pierre states that Honeywell, Inc., responsible for developing ammunition production capability for the German 120MM tank gun system which the U.S. Army has a license agreement with the West German Government to adapt and produce in the United States, has expressed an interest in the domestic producer's potential ability to satisfy future requirements of montan wax. The foreign specification, according to this letter, includes the use of montan wax as a desensitizer of the main charge.

In this regard, the report of the Senate Finance Committee on the bill which became the Trade Act of 1974 states the following with respect to section 406:

> The Committee is also particularly concerned that the U.S. could become dependent upon Communist countries for vital raw materials such as oil, gas, nickel, chromium, manganese and others. If traditional, dependable suppliers of such materials, whether they are domestic or foreign, are suddenly forced out of business by substantial imports of such materials from Communist countries, it could result in market disruption, or the threat thereof, for the domestic industry either producing or utilizing such articles * * * The Committee expects the Commission and the President to monitor carefully import trends and to view each case with the goal of preventing imprudent dependence on a nonmarket economy for a vital material.[27]

Issued: January 15, 1982.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1405 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

[24] Report, p. A-39.

[25] This level is equal to average annual imports for the period 1976–79, which period I have determined to be the recent representative period in this investigation within the meaning of section 203(d)(2) of the Trade Act.

[26] Posthearing statement dated Dec. 7, 1981. Exhibit A.

[27] Senate Finance Report, pp. 210–11. Although this consideration was not a significant relevant factor of those factors upon which I based my determination in this investigation, I believe the legislative intent stated here in this respect is explicit. Therefore, I feel it is appropriate to cite this for the President's consideration at this time.

[Investigation No. 104-TAA-6]

Barley From France

AGENCY: International Trade Commission.

ACTION: Institution of a countervailing duty investigation.

SUMMARY: The Commission is hereby instituting an investigation under section 104(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note) to determine whether an industry in the United States would be materially injured, threatened with material injury, or whether the establishment of an industry in the United States would be materially retarded, by reason of imports of barley from France if countervailing duties provided by T.D. 71–117 were to be revoked.

The Commission does not plan to hold a public hearing or to solicit information by questionnaire. Requests for a hearing or for the issuance of questionnaires will be considered by the Commission.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator, U.S. International Trade Commission, Washington, D.C. 20436 (202–523–0439).

SUPPLEMENTARY INFORMATION:

Background

On May 5, 1971 in T.D. 71–117, the Department of the Treasury (Treasury) imposed countervailing duties, under section 303 of the Tariff Act of 1930, on

barley imported from France. Imports of barley from France, currently provided for under items 130.08 and 130.11 of the Tariff Schedules of the United States are presently subject to countervailing duties of $0.04 per bushel in those months when the world market price for barley is lower than the European Communities "threshold" price.

On January 1, 1980, the provisions of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144) became effective, and on January 2, 1980, the authority for administering the countervailing duty statute was transferred from Treasury to the Department of Commerce (Commerce).

On March 28, 1980, the U.S. International Trade Commission received a request from the Delegation of the Commission of the European Communities for an investigation under section 104(b)(1) of the Trade Agreements Act of 1979 (the Act), with respect to barley from France. In accordance with section 104(b)(3) of the Act, the Commission notified the Department of Commerce of its receipt of the request for this investigation. On May 13, 1980, Commerce published a notice in the **Federal Register** (44 FR 31455) of intent to conduct an annual administrative review of all outstanding countervailing duty orders.

As required by section 751(a)(1) of the Tariff Act of 1930, Commerce has now conducted its first annual administrative review of the countervailing duty order on barley from France. As a result, on October 27, 1981, Commerce published in the **Federal Register** its preliminary determination that the net subsidy conferred was $0.04 per bushel in those months in which the world market price for barley fell below the European Communities "threshold" price (46 FR 52406). Of the 18-month period, January 1, 1980 through June 30, 1981, studied in the Commerce review, restitution payments occurred only during the months of May and June 1981. On the basis of that preliminary determination, the U.S. International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act, is instituting this countervailing duty investigation to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of barley from France provided for under items 130.08 and 130.11 of the Tariff Schedules of the United States covered by the countervailing duty if the order were to be revoked.

Public Hearing

Any person with an interest in this investigation may request in writing that the Commission hold a public hearing in connection with this investigation. Any such request must be received by the Commission on or before February 3, 1982. Such request should be filed with the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436.

Questionnaires

No questionnaires soliciting information from U.S. producers, importers, or purchasers of the articles under investigation will be prepared or mailed unless an interested party, as defined in section 771(a) of the Tariff Act of 1930 (19 U.S.C. 1677(a)) requests that the Commission prepare and mail such questionnaires and the Commission approves the request. Any such request must be received by the Commission on or before February 3, 1982. Such requests should be filed with the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street N.W., Washington, D.C. 20436.

Written Submissions

Any person may submit to the Commission on or before February 10, 1982, written statements of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's Rules of Practice and Procedure. 19 CFR 201.8 (1980). All written submissions, except confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure 19 CFR 201.6.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR 207), and part 201, subarts A through E 19 CFR 201.

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure, 19 CFR 207.20.

Issued: January 15, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-1392 Filed 1-19-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Attorney General

City of Hamilton, Ohio v. Gardebring, et al. and United States of America; Notice of Consent Decree in Action To Require Compliance With Requirements of Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 7, 1981, a proposed consent decree in *City of Hamilton, Ohio* v. *Gardebring, et al. and United States ofAmerica,* Civil Action No. C-1-79-552, was lodged with the United States District Court for the Southern District of Ohio. The decree requires the City of Hamilton, Ohio to achieve compliance with the sulfur dioxide New Source Performance Standard, promulgated pursuant to Section 111 of the Clean Air Act, 42 U.S.C. 7411, and codified at 40 CFR 60.43(a)(2), by May 15, 1982, demonstrate compliance with said standard by means of a stack test in conformance with 40 CFR 60.8, 60.46 and Reference Method 6 by July 15, 1982, continuously maintain compliance with said standard, and submit sulfur dioxide continuous emission monitoring reports. The decree was signed by the Honorable Carl B. Rubin on December 9, 1981.

The consent decree may be examined at (1) the office of the United States Attorney, Southern District of Ohio, 220 U.S. Post Office & Courthouse, 5th & Walnut Sts., Cincinnati, Ohio 45202, (2) the office of the Environmental Protection Agency, Region V, Air Enforcement Branch, 230 S. Dearborn St., Chicago, Illinois 60604, and (3) the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice, Room 1254, Ninth St. and Pennsylvania Ave. NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice. There is a copying charge of $1.30, based on a per page charge of $0.10 for 13 pages, and a check for this amount must be enclosed with the request for a copy. The Department of Justice will receive comments relating to the consent decree through February 19, 1982. Comments

should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *City of Hamilton, Ohio* v. *Gardebring, et al. and United States of America,* DOJ Reference #90-5-2-1-95.

Carol E. Dinkins,

Assistant Attorney General, Land & Natural Resources.

[FR Doc. 82-1274 Filed 1-19-82; 8:45 am]

BILLING CODE 4410-01-M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Collective Ratemaking; Public Hearing

Date: January 29, 1982
Place: Moot Court Room (1st Floor), C. Blake McDowell Law Center, University of Akron, 302 East Buchtel Avenue, Akron, Ohio 44325
Time: 9:00 a.m.
Purpose: To receive testimony from various parties on collective ratemaking

The Motor Carrier Act of 1980, Public Law 96-296, directs the Motor Carrier Ratemaking Study Commission (Commission) to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers and of the need or lack of need for continued antitrust immunity thereof. The Commission is specifically directed to estimate the impact of the elimination of such immunity upon the rate levels and rate structures and to describe the impact of such on the Interstate Commerce Commission and its staff. Also, the Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities.

The Commission, through its Hearings Committee, calls for this regional hearing for the purpose of receiving testimony from representatives of key communities of interest which shall focus on the collective ratemaking process as it relates to the general freight sector.

Anyone who is interested in submitting written testimony for the record of the Commission may do so by sending same to: Larry F. Darby, Executive Director, Motor Carrier Ratemaking Study Commission, 214 Massachusetts Avenue, NE., Washington, D.C. 20002.

FOR FURTHER INFORMATION CONTACT:
Name: J. Kent Jarrell
Title: General Counsel
Phone No. (202) 724-9600.

Submitted this, the 15th day of January 1982.

Larry F. Darby,

Executive Director.

[FR Doc. 82-1309 Filed 1-19-82; 8:45 am]

BILLING CODE 6820-BD-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Physiology, Cellular and Molecular Biology; Subcommittee on Regulatory Biology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463) as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: February 4, 5, 1982 (8:30 a.m. to 5:00 p.m.).

Place: Conference Room 338, National Science Foundation; 1800 G Street NW.; Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, D.C. 20550, Telephone 202/357-7975.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

January 13, 1982.

[FR Doc. 82-1278 Filed 1-19-82; 8:45 am]

BILLING CODE 7555-01-M

Committee on Equal Opportunities in Science and Technology; Subcommittee on Minorities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463) the National Science Foundation announces the following meeting:

Name: Subcommittee on Minorities in Science & Technology.

Place: Rm. 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Date: Thursday and Friday, February 4 and 5, 1982.

Time: 9:00 a.m. to 5:00 p.m.

Type of meeting: Open.

Contact person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street NW., Washington, D.C. 20550. Telephone: 202/357-9571.

Purpose of subcommittee: Responsible for all Committee matters relating to the participation in and opportunities for education, training, and research for minorities in science and technology, and the impact of science and technology on minorities.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda: The Subcommittee is asked to consider mechanisms to increase participation of minorities in Foundation programs, on research projects; to provide advice to the Director for the modification of NSF policies and procedures relating to minority appointments on advisory committees, as well as to suggest a modification of the internal distribution of funds to implement this program.

M. Rebecca Winkler,

Committee Management Coordinator.

January 13, 1982.

[FR Doc. 82-1276 Filed 1-19-82; 8:45 am]

BILLING CODE 7555-01-M

Committee on Equal Opportunities in Science and Technology; Subcommittee on Women in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), the National Science Foundation announces the following meeting:

Name: Subcommittee on Women in Science & Technology.

Place: Rm. 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Date: Thursday and Friday, February 4 and 5, 1982.

Time: 9:00 a.m. to 5:00 p.m.

Type of meeting: Open.

Contact person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street NW., Washington, D.C. 202/357-9571.

Purpose of subcommittee: Responsible for all Committee matters relating to the participation in and opportunities for education, training, and research for women in science and technology, and the impact of science and technology on women.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda: The Subcommittee is asked to consider mechanisms to increase prticipation of women in Foundation programs and research projects; to provide advice to the Director for the modification of NSF policies and procedures relating to women appointments on advisory committees, as well as to suggest a modification of the internal distribution of funds to implement this program.

M. Rebecca Winkler,

Committee Management Coordinator.

January 13, 1982.

[FR Doc. 82-1277 Filed 1-19-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published December 22, 1981 [46 FR 62206]. Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the February 1982 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Advanced Reactors,* January 21 and 22, 1982, Argonne, IL. The Subcommittee will continue discussion regarding possible design considerations, issues, and criteria for future commercial advanced reactors and will continue its preparation of a report to submit to the full Committee. Notice of this meeting was published December 28.

**Fluid Dynamics,* January 22, 1982, Los Angeles, CA. The Subcommittee will continue to review the Mark III containment modifications and discuss the status of Unresolved Safety Issues (USI) on Mark I and II containments. Notice of this meeting was published December 28.

**Joint Electrical Systems and Emergency Core Cooling Systems,* January 23, 1982, Los Angeles, CA—Cancelled.

**Extreme External Phenomena,* January 28 and 29, 1982, Reston, VA. The Subcommittee will review the status of NRC's research program on geology and seismology and the status of research being performed outside of the NRC programs. The discussions are intended to examine the uncertainties associated with the determination of a design basis earthquake for a nuclear power plant at a site in the Eastern United States. The agenda for the meeting will be structured to encourage open discussion on this issue from the audience.

**Clinch River Breeder Reactor,* February 2 and 3, 1982, Washington, DC. The Subcommittee will discuss with the NRC Staff and the applicant, Project Management Corporation, the Clinch River Breeder Reactor project status including matters concerning licensing, siting and schedules.

**Nuclear Safety Research Program,* February 3, 1982, Washington, DC. The Subcommittee will discuss the proposed NRC long range research plan for FY 1984 through FY 1988.

**Safety Philosophy Technology and Criteria/Class 9 Accidents,* February 3, 1982, Washington, DC. The Subcommittees will discuss the proposed NRC statement: Licensing Policy for New Power Plant Construction Permit Applications, and other issues related to the severe accident rulemaking and the proposed NRC safety goals. Notice of this meeting was published December 22.

**Qualification Program for Safety Related Equipment,* February 10, 1982, Washington, DC. The Subcommittee will review the NRC Equipment Qualification Program Plan as outlined in SECY-81-504. Notice of this meeting was published December 22.

**Reactor Radiological Effects,* February 11, 1982, Washington, DC. The Subcommittee will discuss the source of and means to reduce the occupational radiation exposure at BWR facilities. Notice of this meeting was published December 22.

**Metal Components and Waste Management,* February 12, 1982, Washington DC. The Subcommittees will review the contractor technical capability and objectives of the requests for proposals on long-term performance of materials used for high-level radioactive waste packaging. Notice of this meeting was published December 22.

**Zimmer Nuclear Power Station,* February 18, 1982, Cincinnati, OH. The Subcommittee will review the safety significance of quality assurance problems associated with plant construction which resulted in a $200,000 fine by NRC/Inspection and Enforcement (I&E). Notice of this meeting was published December 22.

**Watts Bar Units 1 and 2,* February 22 and 23, 1982, Knoxville, TN—Postponed.

**Byron Station Units 1 and 2,* February 24 and 25, 1982, Byron, IL. The Subcommittee will review the application of the Commonwealth Edison Company for an operating license for Units 1 and 2. Notice of this meeting was published December 22.

**Clinton Power Station Units 1 and 2,* February 25 and 26, 1982, Champagne, IL. The Subcommittee will review the application of the Illinois Power Company for an operating license for Units 1 and 2. Notice of this meeting was published December 22.

**Babcock and Wilcox,* March 3, 1982, Washington, DC—Cancelled.

**Waterford Steam Electric Station,* March 3, 1982, Washington, DC. The Subcommittee will review the Waterford organization, staffing, and training..

**Regulatory Activities,* March 3, 1982, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations. Notice of this meeting was published December 22.

**Electrical Systems and Emergency Core Cooling Systems,* Location and

*Open to public or portion open to public.

date to be determined. The Subcommittee will continue to review the NRC- and Industry-sponsored research on core water level indicator instruments and the implementation of core water level indicator installation requirements.

**Decay Heat Removal Systems,* Date to be determined, Washington, DC. The Subcommittee will review the status of the Task Action Plan A-45, "Shutdown Decay Heat Removal Requirements" and the effectiveness of PWR Decay Heat Removal Systems with the emphasis on the CESSAR System 80 standard design.

**AC/DC Power Systems Reliability,* Date to be determined, Washington, DC. The Subcommittee will review the status of the Task Action Plan A-44, "Station Blackout" and the implementation of the recommendations of NUREG-0666, "A Probabilistic Safety Analysis of DC Power Supply Requirements for Nuclear Power Plants".

**Transportation of Radioactive Materials,* Date to be determined, Washington, DC. The Subcommittee will continue the review of the adequacy of the NRC procedures for certifying packages for transporting radioactive materials.

**Human Factors,* Date to be determined, Washington, DC. The Subcommittee will review the various vendor safety parameter display system designs, and the status of plant diagnostic systems; it will also discuss ACRS concerns related to management, organization, staffing and technical resources for utilities that operate nuclear power plants and NUREG-0799, "Draft Criteria for Preparation of Emergency Operating Procedures".

**Reliability and Probabilistic Assessment,* Date to be determined, Washington, DC. The Subcommittee will review the draft Commission Policy Statement on Safety Goals.

**Clinch River Breeder Reactor and Site Suitability,* Date to be determined, Washington, DC. The Subcommittee will begin site suitability review for the Clinch River Breeder Reactor.

**Safeguards and Security,* Date to be determined, Albuquerque, NM. The Subcommittee will discuss various design features that could be included in future nuclear power plant designs in order to make sabotage more difficult.

ACRS Full Committee Meetings

February 4-6, 1982: Items are *Tentatively* scheduled.

*A. *Quantitative Safety Goals*—Discuss proposed NRC quantitative safety goals.

*B. *Severe Accident Rulemaking*—Discuss proposed NRC statement regarding proposed policy changes with respect to the severe accident rulemaking.

*C. *Nuclear Regulatory Reform*—Discuss activities of NRC Regulatory Reform Task Force.

*D. *Meeting with NRC Commissioners*—Discuss proposed changes in NRC regulatory policies and procedures.

*E. *NRC Policy and Program Guidance*—Briefing regarding proposed NRC Policy and Program Guide for conduct of NRC activities.

*F. *ACRS Subcommittee Reports on Safety Related Matters*—Hear and discuss reports of ACRS Subcommittees on safety related matters including deficiencies in the quality assurance program at the Zimmer Nuclear Power Station.

*G. *NRC Safety Research Program Budget*—Complete ACRS report to the U.S. Congress on the proposed NRC safety research program budget for FY 1983 and discuss proposed NRC long range safety research program plan.

*H. *ACRS Activities*—Discuss anticipated ACRS future activities and miscellaneous matters related to ACRS activities.

March 4-6, 1982: Agenda to be announced.

April 1-3, 1982: Agenda to be announced.

Dated: January 15, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-1365 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Nuclear Safety Research Program; Meeting

The ACRS Subcommittee on the Nuclear Safety Research Program will hold a meeting on February 3, 1982, in Room 1046 at 1717 H Street, NW., Washington, D.C. the Subcommittee will discuss the proposed NRC long range research plan for FY 1984 through FY 1988.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981, (45 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, February 3, 1982—8:30 a.m.-1:00 p.m.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this matter.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: January 13, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-1354 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-247 SP; 50-286 SP]

Consolidated Edison Company of New York, Inc. (Indian Point, Unit No. 2), and Power Authority of the State of New York, Inc. (Indian Point, Unit No. 3); Order (Scheduling Hearings for Limited Appearances)

January 13, 1982.

Notice is hereby given that the hearing sessions for limited appearances previously scheduled for January 14, 15, and 16, 1982, have been rescheduled for one week later. The new schedule is this:

Thursday, January 21, 1982, 2 p.m. to 5 p.m.; 7 p.m. to 10 p.m. at Civic Center, Westbrook Drive, Peekskill, New York;

Friday, January 22, 1982, 2 p.m. to 5 p.m. and Saturday, January 23, 1982, 9 a.m. to 12 noon at Clarkstown Town Hall, Main Auditorium, 10 Maple Avenue, New City, New York.

It is this 13th day of January, 1982,

Ordered; that procedures for the sessions will be as previously announced in our Order of December 10, 1981.

Atomic Safety and Licensing Board.

Frederick J. Shon,

Acting Chairman, Administrative Judge.

[FR Doc. 82-1356 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275, 50-276, P-564-A]

Pacific Gas and Electric Co., (Diablo Canyon Nuclear Power Plant, Units 1 and 2; Stanislaus Nuclear Project, Unit 1); Receipt of Petition

Notice is hereby given that the Northern California Power Agency has requested pursuant to 10 CFR 2.206 that the Director of Nuclear Reactor Regulation find Pacific Gas and Electric Company in violation of certain antitrust license conditions and issue an order enforcing, through license modification if necessary, these conditions. As provided in 10 CFR 2.206(b), appropriate action will be taken on the request within a reasonable time.

Copies of Northern California Power Agency's "Petition to Enforce and Modify License Conditions" are available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, D.C. 20555, and in the local public document rooms for the Diablo Canyon plant at the California Polytechnic State University Library, Document and Maps Department, San Luis Obispo, CA 93407, and for the Stanislaus project at the Stanislaus County Free Library, 1500 I Street, Modesto, CA 95345.

Dated at Bethesda, Maryland, this 7th day of January, 1982.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-1357 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment changes the technical specifications regarding the minimum containment pressure setpoint.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment transmitted by letter dated December 11, 1981, (2) Amendment No. 47 to License No. DPR-18, including the letter to the licensee transmitting the amendment dated January 13, 1982, and (3) the Commission's related Safety Evaluation dated July 15, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of January, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-1358 Filed 1-19-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18406; File No. SR-Amex 81-24]

Self-Regulatory Organizations; Proposed Rule change by American Stock Exchange, Inc.

Proposed rule change by American Stock Exchange, Inc. relating to shareholder approval requirements for certain acquisitions and executive compensation arrangements.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 27, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Sections 711, 712, 713, 714 and 302 of the Amex Company Guide to discontinue the requirement for shareholder approval as a prerequisite for listing shares to be issued: (a) as full or partial consideration for business or assets of another company, so long as corporate affiliates do not have a material interest in the transaction; and (b) in connection with minimal executive stock compensation arrangements.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

(a) *Purpose.* The purpose of amending the rules is to update the requirements for shareholder approval. The Exchange re-examined its shareholder approval rules in light of the changes in the quality and timeliness of corporate disclosure and in the composition and standards of corporate boards of directors which taken place in the two decades since they were adopted.

An exception for the issuance of a non-Material percentage of stock pursuant to a plan for key employees was found to be reasonable in view of current executive compensation practice. This exemption is justified by the same rationale as the exemption for options to induce qualified excutives to

accept employment presently found in the rule.

The requirement for shareholder approval as a condition to listing shares to be used in acquisitions involving the issuance of 20% of outstanding common stock was found to be for more restrictive than necessary except in the case where an officer, director or principal shareholder has least a 5% interest in the company or assets to be acquired, or in the consideration to be paid, in a material acquistion transaction.

The purpose of the amendment of the rules affecting other 20% issuances of stock is to clarify the broad implied discretion and, in accordance with Exchange practice, to limit the shareholder approval requirements to material transactions involving the issuance of stock at less than market or book value or the listing of a formerly unlisted company without the safeguards inherent in the listing process.

(b) *Basis.* The Proposed amendments are consistent with Section 6(b) of the Exchange Act in general and further the objectives of Section 6(b) (5) of the Act in particular in that they are designed to protect investors and the public interest and are not designed to regulate matters not related to the purposes of Section 6(b) or the administration of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule changes will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 1, 1982.

Shirley F. Hollis.

Assistant Secretary.

[FR Doc. 82-1348 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18415; File No. SR-Amex-81-25]

Self-Regulatory Organizations, Proposed Rule Change by American Stock Exchange

In the proposed rule change by American Stock Exchange, Inc. relating to offering of 50 fixed income security options trading permits.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 7, 1982, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III blow, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange proposes to offer 50 fixed income security options trading permits ("FIPs") pursuant to an Offering Plan (the "Plan"), in connection with its proposed program to trade options on fixed income securities.[1]

The following are the salient points of the Plan:

1. 50 FIPs will be authorized; 25 will be offered in connection with the commencement of Treasury options trading. However, if this initial offering is oversubscribed, the Exchange may issue some or all of the additional permits, up to the entire 50 at that time. The remainder of the FIPs, if any, will be offered in connection with the introduction of trading in other fixed income options at the Exchange's discretion.

2. A FIP entitles the holder to execute *principal transactions only* in fixed income options, including Treasury options, CD options, and possibly others to be developed, for a fee of $10,000 per annum. The FIPs are renewable for a maximum period of three years. If not renewed, the Exchange may reissue the permits to other qualified applicants.

3. With Exchange approval, for an additional cost of $15,000, FIP holders may act as specialists in fixed income options, in addition to conducting a principal business, during the initial year of the FIP.

4. FIP holders must meet qualifications and financial requirements similar to Amex options traders and must make active use of the FIP.

5. If the offering is oversubscribed, a screening committee may be appointed to select the best qualified applicants based on demonstrated knowledge and experience in the securities and related industries, adequacy of financial resources and successful completion of a proficiency examination.

6. A FIP holder may not transfer the FIP (other than a transfer within a firm) and has no voting or equity interest in the Exchange.

7. Existing regular and options principal members will have access to the Exchange's fixed income options market in the same manner as they now have with respect to stock options, and will not be required to obtain a FIP.

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[1] SR-Amex-81-1 (Treasury options) approved by the Commission on December 23, 1981, and SR-Amex-81-20 (options on certificates of deposit) currently awaiting approval by the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

A. Purpose

The proposed Offering is intended to attract bond market professionals and others to our fixed income options trading program. It is needed for competitive reasons, to obtain added expertise, capital and manpower to assure strong, liquid markets in the Exchange's fixed income options.

B. Basis

The proposed Offering Plan and Constitutional amendment are consistent with Section 6(b) of the Exchange Act in general and further the objectives of Sections 6(b)(2) and 6(b)(5) in particular in that they broaden access to the Exchange's fixed income options market and improve the quality thereof.

III. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that no burden on competition will be imposed by its proposed Offering. On the contrary, the Exchange's proposal to allow bond market professionals and others access to the Exchange's fixed income options trading program will increase competition, as well as provide for a stronger, more liquid market.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed Offering.

V. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

January 12 1982.

Shirley E. Bollis,

Assistant Secretary.

[FR Doc. 82-1346 Filed 1-19-82; 8:45 am]

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[Release No. 34-18409; File No. SR-CSE-81-4]

Self-Regulatory Organizations; Proposed Rule Change by the Cincinnati Stock Exchange, Inc.

In the matter of proposed rule change by the Cincinnati Stock Exchange, Inc. Relating to National Securities Trading System minimum monthly fees based on overhead costs.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1981, the Cincinnati Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends the Exchange's National Securities Trading System ("NSTS") User Fee Schedule. The NSTS User Fee Schedule is based, for the most part, on the number of shares of stock traded through NSTS by a User on a monthly basis. The proposed rule change would impose a minimum monthly fee on each NSTS User the amount of which would be dependent upon the particular equipment and communication overhead costs associated with installation and operation of NSTS terminals and printers by the NSTS User.[1] The minimum monthly fee will only be charged an NSTS User if the User's monthly trading fees do not equal or exceed the minimum monthly charge for overhead costs. In order for those brokers-dealers which become NSTS Users on or after January 1, 1982, to gain experience and familiarity with NSTS trading, no minimum monthly fee will be charged such Users during their first three months of NSTS trading.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Fees charged NSTS Users for trading through NSTS is one of the Exchange's revenue sources. The purpose of the proposed rule change is to offset in part the increased overhead costs incurred by the Exchange for the installation and operation of NSTS equipment by NSTS Users. The average annual rate of growth of expenses in recent years has been in excess of 10 percent.

The statutory basis for the proposed rule change is Section 6(b)(4) of the Securities Exchange Act of 1934 (the "Act") which explicitly permits the rules of the Exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its section.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NSTS Fee Schedule as amended will apply uniformly to all NSTS Users.

[1] The lowest minimum monthly fee is $821 which reflects the costs for one NSTS terminal and one NSTS printer.

The amount of the fee charged will be directly related to the use of NSTS by each User as measured by the User's level of trading through NSTS and the amount of equipment operated by the User to effect such trading. The fees charged reflect the NSTS trading services afforded Users by the Exchange. The Exchange does not believe that the proposed rule change will impose or create any burden on competition not necessary or appropriate to further the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-1350 Filed 1-19-82; 8:45 am]

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[Release No. 34-18413; File No. SR-PSE-81-23]

Self-Regulatory Organizations; Proposed Rule Change by Pacific Stock Exchange Inc.

In the matter of proposed rule change by the Pacific Stock Exchange Incorporated relating to proposed amendments to the Exchange Constitution. Comments requested on or before February 10, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 21, 1981, the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange proposes to amend its Constitution to revise the structure and function of certain Standing Committees and to remove unnecessary restrictions on the ability of persons to become members or to become associated with member organizations of the Exchange. The most important terms of the proposed changes to the constitution are summarized below.

Article II, Section 6

Executive Committee

The number of members on the Executive Committee would be increased from four to five. The additional member will be one of the three public governors then serving on the Board.

Article IV, Section 1

Standing Committees

The Options Floor Trading Committee, the Options Listing Committee and the Options Appointment Committee presently designated as Special Committees, will be redesignated as Standing Committees of the Exchange.

Article IV, Section 2(a)

Appointment

There will no longer be a requirement that each Standing Committee shall have a Governor as the Chairman or a member thereof.

Article IV, Section 3

Beginning February 1, 1982, and for a period not to exceed one year, the Equity Listing and Allocation Committee shall have an additional two members who shall be associated with a specialist firm but who shall not be registered as specialists with the Exchange.

Article IV, Section 8

Organization Review Committee

The Organization Review Committee will be a newly formed Standing Committee which will consider matters pertaining to the organizational structure of the Board of Governors and any Standing Committee of the Exchange, and where appropriate to make recommendations concerning the same to the Board. At least one member of this Committee will be a Public Governor.

Article IV, Sections 9, 10 and 11

These sections describe the composition and duties of the special option committees which will now be designated as Standing Committees.

Article V, Section 6

Definition of Allied Member

The definition of "allied member" will be changed to remove the requirement that persons who are employed by corporate member organizations must be holders of voting stock of their corporations in order to fall within the definition. Any employee who holds a position of principal executive officer or corporate director with a member organization, but does not own stock therein, may still be presumed to exercise control and, therefore, should fall within the definition of the term "allied member."

Article VIII, Sections 1(e) and 1(f)

Partnership Corporate Member Firms

At its meetings on September 22 and November 24, 1980, the Board approved proposals submitted by the Exchange Staff to delete the above-referenced sections in their entirety. Both sections of the Constitution referred to above discourage the development of capital on the Floor of the Exchange by

corporations and partnerships who have expressed a desire to place a nominee member on the trading floor but who are unwilling or unable to comply with the requirement that such nominees be either a voting stockholder of the member firm or a general partner of the partnership.

Article VIII, Section 5

Association With One Firm Only

The present prohibition against a person being associated with more than one member organization will be eliminated; however, a member would not be permitted to use his membership to qualify more than one member organization.

Article VIII, Section 6(a) and 6(b)

Disapproval or Discontinuance of Business Connections

These provisions, which now permit the Exchange to require members to sever business connections which may be detrimental to the Exchange, or which may result in domination of a member or member organization by a non-member, will be deleted in their entirety so as to eliminate Exchange rules not related to the purpose of the Act or the administration of the Exchange.

Article VIII, Section 6(c)

Compliance With Constitution and Rules

This section of the Constitution will be amended by deleting the word "shareholder" and substituting the words "associated person" in its place.

Article VIII, Sections 8(b) and 8(c)

Voting and Non-Voting Stock; Disposal of Stock

Each of these sections of the Exchange Constitution attempts to limit a member organization's issuance and disposal of its stock by requiring review and approval of the Exchange. These provisions were originally enacted during a period in which member organizations did not issue publicly held securities. Therefore, provisions such as those contained in Sections 8(b), and 8(c), were meaningful and could be enforced. Presently, however, it would be unrealistic to assume that the Exchange could restrict or condition the issuance of stock by a member organization whose securities are publicly traded.

Article VIII, Section 8(f)

Acts of the Corporation

This section will be amended to add the words "or associated person" after the word "directors."

Article VIII, Section 8(g)

Claims of Corporate Principals Subordinated

This section will be amended to delete words "stockholder associates and approved persons" and substitute the words "associated persons."

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for the Proposed Rule Change*

The purpose of the proposed amendments to the Pacific Stock Exchange Constitution is to revise the structure and function of certain Standing Exchange Committees, remove unnecessary restrictions on the ability of persons to become members or to become associated with member organizations of the Exchange, and to eliminate or liberalize certain restrictions on the efforts of member organizations to raise capital.

The proposed amendments to the Pacific Stock Exchange Constitution are consistent with Section 6(b), of the Securities Exchange Act of 1934, in general, and further the objectives of Section 6(b)(2), and 6(b)(3), of the Act in particular, in that they provide for registered brokers and dealers or natural persons associated with registered brokers and dealers to become members of the Exchange or to become associated with members of the Exchange and assure fair representation of members in the administration of the affairs of the Exchange.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The proposed Constitutional amendments impose no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

The full membership of the Pacific Stock Exchange will vote on the proposed constitutional amendments at the Exchange's Annual meeting scheduled for January 1982.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Pacific Stock Exchange consents to an extension of the period of time specified for Securities Exchange Commission action in Section 19(b)(2) of the Securities Exchange Act of 1934, pending approval by its membership of the proposed constitutional amendments and the filing by the Exchange of an appropriate amendment setting forth the taking of such action. Within 35 days of the date of filing of such amendment or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 12, 1982.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-1353 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18407; File No. SR PHLX 81-19]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.

In the matter of proposed rule change by Philadelphia Stock Exchange, Inc., relating to revised charges and fees.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 21, 1981, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), the Philadelphia Stock Exchange, Inc. ("PHLX") hereby revises, effective January 1, 1982, certain of its charges and fees as described below.

Charge or fee	Old	New
1. Transaction Value (equity and option).	$.11/$1000 1st $10,000,000 of business per month. $.09/$1000 $10,000,000-$50,000,000 of business per month. $.07/$1000 above $50,000,000 of business per month.	$.12/$1000 1st $10,000,000 of business per month. $.10/$1000 $10,000,000-$50,000,000 of business per month. $.08/$1000 above $50,000,000 of business per month.
2. Option Data Transmission.	$75 per month	$200 per month (N.Y. firms) $300 per month (Chicago firms).
3 Quotron Terminal.		$100 per month per terminal $500 new installation $50 new service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the revised charges and fees is to offset in part the increased costs of supplying certain services associated with providing market place facilities for the trading of securities and regulatory operation. These services generally include manpower, automation and trade information. In this connection, the PHLX has recently moved to more costly premises and its budget for 1982 reflects substantially increased costs in providing the aforementioned services.

The basis under the Act for the revisions is Section 6(b)(4), which requires that reasonable charges and fees be allocated equitably. The revisions are consistent with this requirement because they are fair and equitable charges to members for exchange services that members and others make use of and benefit from.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments on this proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 11, 1982.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-1349 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18405; File No. SR PHLX 81-20]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc., Relating to Revised Listing Fee Schedule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 18, 1981, Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"),

proposes to revise its Listing Fee Schedule as described below:

Listing fee	Old	New
1. Stocks and warrants:		
Original listing	$5,000 per issue	$7,500 per issue.
Substitute original listing.	$1,000 per issue	No change.
Supplemental listing (additional shares or warrants).	$250 for less than 100,000 shares or warrants; $1,000 for 100,000 or more shares or warrants.	$500 for less than 100,000 shares or warrants; $1,250 for 100,000 or more shares or warrants
2. Bonds and similar securities:		
Original listing	$5,000 per issue	$7,500 per issue.
Substitute original listing.	$2,500	$3,750.
3. General:		
Change in name and/or par value.	$100	No change.
Annual maintenance fee (payable each January following year of listing).	$1,000 per issue; $250 for each additional issue.	$1,250 for one issue; $250 for each additional issue.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of revising the listing fee schedule is to reflect and offset the increased costs of providing necessary surveillance and other services to listed companies and to provide the funds necessary to carry out planned programs. Over the past four years since the listing fee schedule was, with the exception of the annual maintenance fee, last revised, the costs associated with maintaining the PHLX's regulatory and oversight programs and listed company liaison areas have risen dramatically due to inflationary factors and the upgrading of personnel and equipment. These costs are expected to rise again substantially in the next year.

The proposed amendments are consistent with Section 6(b) of the Act in general, and further the objectives of Section 6(b)(4) of the Act in particular, in that they provide for the equitable allocation of reasonable fees among issuers using the facilities and services of the PHLX.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments on this proposal rule change have been solicited or received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 10, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 11, 1982.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-1347 Filed 1-19-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 1-82]

Treasury Notes of January 31, 1984; Series N-1984

January 15, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $5,250,000,000 of United States securities, designated Treasury Notes of January 31, 1984, Series N-1984 (CUSIP No. 912827 MU 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated February 1, 1982, and will bear interest from that date, payable on a semiannual basis on July 31, 1982, and each subsequent 6 months on January 31, and July 31 until the principal becomes payable. They will mature January 31, 1984, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed

under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, January 20, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 19, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits. and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities. may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible chekcs), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations.

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, February 1, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash, in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, January 28, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4 If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-1497 Filed 1-18-82; 4:15 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

New National Cemetery, Hawaii; Intent To Prepare An Environmental Impact Statement

AGENCY: Veterans Administration.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS).

SUMMARY: The Veterans Administration (VA) has identified a need to prepare an Environmental Impact Statement (EIS). To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, this Notice of Intent is being issued under Title 40, Code of Federal Regulations, Section 1501.7

FOR FURTHER INFORMATION CONTACT: Mr. Willard Sitler, P.E., Director, Environmental Affairs Staff, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 389-2526.

SUPPLEMENTARY INFORMATION:

1. **Description of Proposed Action**—The VA intends to study potential sites for locating a new National Cemetery in Hawaii. The existing National Memorial Cemetery of the Pacific, Hawaii, which will close to in-ground interments in late 1982, necessitates consideration of a new cemetery. To provide for interments to the year 2030, 150 to 180 acres are required.

2. **Alternatives**—The VA investigated seventeen sites and identified two sites that best meet the desired requirements. The sites are as follows: (1) the Waiawa Military Reservation, and (2) a portion of the Waipo Peninsula. Both located on the island of Oahu. The final alternative to be discussed in the EIS will be the NO ACTION alternative.

3. **Scoping**—The VA will initiate the scoping process and conduct a public meeting(s) (date and location unscheduled at this time) for the purpose of identifying issues for consideration in the preparation of the EIS.

4. **Public and Private Participation in EIS Process**—The issues and concerns identified during the scoping process will help determine the nature and extent of the impact analysis in the EIS. Participation of individuals, public and private organizations and local, State and Federal agencies is invited. Persons wishing to participate in the scoping process should contact the VA Office of Environmental Affairs at the above address.

5. **Timing**—Tentative time limits have been set for completion of the environmental process at the following milestones:

- Complete Scoping Process—February 1982
- Availability of draft EIS—November 1982
- Availability of final EIS—February 1983
- Completion of the Record of Decision—April 1983

6. **Request for Copies of Draft EIS**—For a copy of the Draft Environmental Impact Statement, placement on the mailing list, or for other NEPA related information, please contact the Office of Environmental Affairs at the above address.

Dated: January 13, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-1317 Filed 1-19-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 13
Wednesday, January 20, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 2 p.m., Tuesday, Wednesday, Thursday, January 26, 27, 28, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Reauthorization Discussion.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-78-82 Filed 1-18-82; 10:17 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, January 29, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-77-82 Filed 1-18-82; 10:18 am]

BILLING CODE 6351-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 1466, January 13, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., January 14, 1982.

CHANGES IN THE MEETING: The meeting for January 14, 1982 was cancelled. The briefing on the NEISS Report to the Senate Appropriation Committee has been rescheduled for January 20, 1982. The enforcement matter (OS #1085) has not been rescheduled.

Dated: January 18, 1982.

[S-83-82 Filed 1-18-82; 1:21 pm]

BILLING CODE 6355-01-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 19, 1982.

PLACE: Commission conference room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the Public:

1. Freedom of Information Act Appeal No. 81-11-FOIA-052-NYDO, concerning records contained in a closed ADEA file.
2. Freedom of Information Act Appeal No. 81-11-FOIA-061-MK, concerning materials contained in an investigative file.
3. Section 624 of the Compliance Manual: Reproductive and Fetal Hazards.
4. Proposed EEOC Compliance Manual § 625, Bona Fide Occupational Qualifications.
5. Report on Commission Operations by the Acting Executive Director.

Closed to the public:

1. Litigation Authorization; GC Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

FOR MORE INFORMATION CONTACT: Treva McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

Issued: January 12, 1982.

[S-87-82 Filed 1-18-82; 3:30 pm]

BILLING CODE 6750-06-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:50 a.m. on Friday, January 15, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to (1) approve the application of The Buffalo Savings Bank, Buffalo, New York, for consent to merge, under its charter and title, with The Western New York Savings Bank, Buffalo, New York, and to establish the main office and fifteen branches of The Western New York Saving Bank as branches of the resultant bank, and (2) provide financial assistance to the resulting bank, pursuant to section 13(e) of the Federal Deposit Insurance Act, in order to prevent the probable failure of The Western New York Saving Bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Executive Division Conference Room, Room 6020, on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: January 15, 1982.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[S-82-82 Filed 1-18-82; 12:30 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on

Monday, January 25, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge and establish branches:

The Pendleton Banking Company, Pendleton, Oregon, for consent to merge, under its charter and with the title "First American Banking Company," with The Pendleton Interim Banking Company (In Organization), Pendleton, Oregon, United Transition Bank, Pendleton, Oregon (successor to United Savings and Loan Association), and First American Transition Bank, Hermiston, Oregon (successor to First American Savings and Loan Association), and to establish the Milton-Freewater branch of United Transition Bank and the sole office of First American Transition Bank as branches of the resultant bank.

Application for consent to transfer assets in consideration of the assumption of deposit liabilities:

Orange Savings Bank, Livingston, New Jersey, for consent to transfer assets to Security Savings and Loan Association, Vineland, New Jersey, in consideration of the assumption of liabilities for the deposits made in the Vineland Branch of Orange Savings Bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,009-L—State Bank of Clearing, Chicago, Illinois
Case No. 45,029-L—Northern Ohio Bank, Cleveland, Ohio
Case No. 45,066-NR—United States National Bank, San Diego, California
Case No. 45,072-SR—The Des Plaines Bank, Des Plaines, Illinois
Memorandum and Resolution re: Centennial Bank, Philadelphia, Pennsylvania
Memorandum and Resolution re: City and County Bank of Campbell County, Jellico, Tennessee

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Report of the Director, Office of Fiscal Management, re: 1982 Administrative Budget.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 18, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-81-82 Filed 1-18-82; 12:28 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, January 25, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 18, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-80-82 Filed 1-18-82; 12:26 pm]

BILLING CODE 6714-01-M

8

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Monday, January 25, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Application for Authority to Incur Debt—First Charter Financial Corporation, Beverly Hills, California
Recommendation for Designation of—Sue Ann Blessing as a Supervisory Agent—Federal Home Loan Bank of Indianapolis
Request for Extension of Time to Open a Branch Office—First Federal Savings and Loan Association, Augusta, Georgia
Application for Merger—First Federal Savings and Loan Association of Jamestown, Jamestown, North Dakota *into* Metropolitan Federal Savings and Loan Association of Fargo, Fargo, North Dakota
Merger; Increase of Accounts of an Insurable Type—Auburn Federal Savings and Loan Association, Auburn, Indiana *into* Peoples Federal Savings and Loan Association of DeKalb County, Auburn, Indiana
Application for Extension of Time to Change

Office Location—Herndon Federal Savings and Loan Association, Herndon, Virginia

[No. 6, January 18, 1982]

[S-84-82 Filed 1-18-82; 3:03 pm]

BILLING CODE 6720-01-M

9

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 2232, January 14, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., January 20, 1982.

CHANGES IN THE MEETING: Withdrawal of the following item from the open session:

1. Reduced incentive loading rates of South East Alaska Barge Lines, Inc.

Addition of the following item to the closed session:

1. Agreement No. 10422—A Space Charter Agreement among Korea Shipping Corporation, Neptune Orient Lines, Ltd., and Orient Overseas Container Lines.

[S-88-82 Filed 1-18-82; 3:45 pm]

BILLING CODE 6730-01-M

10

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 13, 1982.

TIME AND DATE: 10 a.m., Wednesday, January 20, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Homestake Mining Company, Docket Nos. CENT 79-27-M, etc. (Issues include interpretation and application of 30 CFR 57.12-82)
2. White Pine Copper Division, Copper Range Company, LAKE 79-202-M (Issues same as above)
3. Climax Molybdenum Company, Docket Nos. DENV 78-553-M, etc. (Issues same as above)

CONTACT PERSON FROM MORE INFORMATION:
Jean Ellen (202) 653-5632.

[S-85-82 Filed 1-18-82; 3:04 pm]

BILLING CODE 6820-12-M

11

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10 a.m., Monday, January 25, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Report to Congress on interagency study of credit needs of small businesses.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 15, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-75-82 Filed 1-18-82; 9:58 am]

BILLING CODE 6210-01-M

12

PAROLE COMMISSION

[0P0401]

The Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters.

TIME AND DATE: 9:30 a.m., Thursday, January 14, 1982.

PLACE: Room 432; One North Park Building; 5550 Friendship Boulevard; Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On January 14, 1982, the Commission determined that the above meeting be continued to 10:00 a.m. on Friday, January 15, 1982, for consideration of case referrals from Regional Commissioners. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission (301) 492-5926.

[S-78-82 Filed 1-18-82; 11:30 am]

BILLING CODE 4410-01-M

13

PAROLE COMMISSION

[2P0401]

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 9:30 a.m., Tuesday, January 19, 1982.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Boulevard; Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 9 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-79-82 Filed 1-18-82; 11:30 am]

BILLING CODE 4410-01-M

14

SECURITIES AND EXCHANGE COMMISSION

DATE AND TIME: January 18, 1982, 4:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

The Commission will hold a closed meeting on Monday, January 18, 1982, at 4:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the item to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas, and Longstreth voted to consider the item listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Monday, January 18, 1982, at 4:30 p.m., will be:

Litigation matter.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272-2467.

January 18, 1982.

[S-86-82 Filed 1-18-82; 3:30 pm]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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